

465

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DONALD ZARDA, : CV-10-4334
Plaintiff, : US Courthouse
-against- : Central Islip, NY
ALTITUDE EXPRESS, INC., d/b/a :
SKYDIVE LONG ISLAND and :
RAY MAYNARD, :
Defendants. : October 19, 2015
: 9:30 a.m.
-----X

TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT COURT JUDGE, and a Jury

APPEARANCES:

For the Plaintiff: GREGORY ANTOLLINO, ESQ
275 Seventh Avenue, Suite 705
New York, New York 10001
and
RICHARD J. CARDINALE, ESQ.
26 Court Street, Suite 1815
Brooklyn, New York 11242

For the Defendants: ZABELL & ASSOCIATES, P.C.
1 Corporate Drive, Suite 103
Bohemia, New York 11716
BY: SAUL D. ZABELL, ESQ.
LAURA E. JOHNSON, ESQ.

Official Court Reporter: Ellen S. Combs, CSR
100 Federal Plaza - Suite 1180
Central Islip, New York 11722
(631) 712-6107

Proceedings recorded by mechanical stenography
Transcript produced by Computer

466

1 (The following took place at 10:00 a.m.)

2 THE CLERK: Calling 13-CV-4334, Zarda vs
3 Altitude Express.

4 (Appearances previously noted.)

5 THE COURT: The jurors are all here.

6 Is there anything we need to discuss?

7 MR. ANTOLLINO: Yes. A couple of issues.

8 First of all, this is an adverse witness, so
9 without any further ado, I assume that there is not going
10 to be any objection if I'm leading the witness.

11 THE COURT: Yes, you can lead the witness.

12 MR. ANTOLLINO: And second, while you were out,
13 we showed the witness several videos and nothing was put
14 on the record. But he saw a total of at least four.

15 Third, could you please -- is going to get
16 something from the hotel, so he will be joining us at
17 counsel table as soon as he gets back.

18 Bill Moore will be a replacement for the estate
19 this week, so could you tell the jurors that Melissa Zarda
20 had to go home on Friday and Bill Moore will be
21 substituting for the estate. He's just going to walk
22 right in and sit down at the counsel table. I told him to
23 do that.

24 THE COURT: Any objection to that?

25 MR. ANTOLLINO: No.

467

1 MR. ZABELL: No objection.

2 THE COURT: Bill Moore or William Moore.

3 MR. ANTOLLINO: William Moore.

4 THE COURT: Just so we avoid going to the
5 sidebar, just so I understand. What are the three videos
6 you will be introducing through Mr. Maynard?

7 MR. ANTOLLINO: One is of David Kengle. Another
8 is of Don Zarda. Another is of Duncan Shaw. And another
9 is called camel toe (ph) video.

10 THE COURT: Any objections to those videos
11 coming in?

12 MR. ZABELL: Yes, judge. I object to all of
13 those videos coming in. None of them were identified in
14 the pretrial order in the list of exhibits. They weren't
15 documents that we had seen in discovery but counsel failed
16 to identify any of them in the pretrial order.

17 MR. ANTOLLINO: I don't think that is true,
18 judge.

19 But they were marked as exhibits to
20 Mr. Maynard's deposition, which itself is an exhibit.

21 THE COURT: What are these? What is the
22 relevance of these videos?

23 MR. ANTOLLINO: The relevance of the Kengle
24 video is that Rosana is there, Kengle is there. Kengle is
25 the one that made the complaint. Kengle had a fantastic

468

1 time, in our opinion.

2 Second, the Duncan video shows Duncan doing
3 similar things to what Don was doing, pointing. And the
4 Don video shows him doing similar things, hamming it up
5 for the camera behind the passengers.

6 And finally, the camel toe video was something
7 we got off of the Skydive Long Island website, which they
8 presented as a scene of the best of the year 2012.

9 And camel toe, I recently learned, is a woman
10 who -- whose pants are so stretched up that you can see
11 the lines of her vagina through her pants. And this is
12 what they chose to put on their website as the highlight
13 of the 2012 season.

14 And in the meantime, they're complaining that
15 Don made a creepy face to Rosana whereas the placement of
16 the camel toe video, in the highlights, seems to
17 contradict the suggestion there was anything wrong or
18 unprofessional, quote-unquote, about anything that Don did
19 in his video.

20 MR. ZABELL: We're going to start with
21 Mr. Kengle's video. My client has never seen the video
22 before today. I saw it today. He is not the person to
23 authenticate it. Mr. Kengle is. Mr. Kengle is due here
24 at 11 o'clock. I think if he comes in at all, it should
25 come in through Mr. Kengle.

469

1 I have objections based upon relevance, but I'm
2 willing to waive them if they come in through Mr. Kengle.

3 With regard to Duncan, Duncan Shaw is supposed
4 to be coming today at 12:30 during the lunch break. We
5 expect to put him in on our case.

6 Again, Mr. Maynard has never seen the video
7 before. He is not in a position to authenticate it.

8 I have no objection to it coming in, once it's
9 authenticated by Mr. Duncan. Again, I fail to see the
10 relevance but I would waive the relevance argument if it
11 is authenticated through Duncan Shaw.

12 The Don video, I believe counsel says it's Don
13 hamming it up with another customer. That was never
14 identified. It was disclosed over the weekend to me that
15 Mr. Antollino would like to introduce it. My client has
16 never seen it before today and is not in a position to
17 authenticate it. Mr. Zarda, unfortunately, is not here to
18 authenticate it, and the individual in the video is not
19 here to authenticate it. So I'm going to object based
20 upon relevance. And I'm going to object because I don't
21 think counsel can authenticate it.

22 With regard to the video, and I'm sorry to say
23 this in Federal Court, the camel toe video, I fail to see
24 any relevance to a customer making a comment about what
25 she may or may not have been enduring at that time from a

470

1 wardrobe point of view. It's just not relevant and there
2 is no ability to authenticate it.

3 THE COURT: It's in a customer complaint.

4 MR. ZABELL: She is not complaining that the
5 jump altered that. It seems to me that she is excited
6 about the jump and was concerned how that film could be
7 portrayed in the video.

8 THE COURT: Okay.

9 I don't understand. I agree with Mr. Zabell
10 with respect to Mr. Kengle and Shaw. They will be
11 witnesses here. Mr. Maynard has reviewed the videos. If
12 he can't authenticate them, he has never reviewed them, he
13 never made a decision regarding them, I don't know how you
14 can get those videos in through him.

15 MR. ZABELL: Your Honor, one moment. We have a
16 witness that just appeared and we're ushering him out. I
17 apologize.

18 THE COURT: He has left are the room.

19 MR. ANTOLLINO: Is he intending on starting with
20 Mr. Kengle?

21 MR. ZABELL: Yes.

22 THE COURT: So I don't believe that Mr. Maynard
23 can provide testimony on the video today. He was not
24 involved in the making, he never reviewed it in contention
25 with any employment decision. So you should wait for

471

1 Mr. Kengle and Mr. Shaw to get those videos in.

2 MR. ANTOLLINO: With respect to Mr. Shaw, we're
3 moving to preclude him on the basis that he wasn't
4 identified in the pretrial order. And that, you know, if
5 you want to overrule that objection, we have the objection
6 of the person who is identified as a witness whose address
7 was never given during discovery. Kengle is clearly
8 coming in.

9 THE COURT: You're saying Shaw wasn't on the
10 pretrial order?

11 MR. ANTOLLINO: Shaw was -- no, I'm sorry. Shaw
12 was on the pretrial order but he was not in the initial
13 disclosures. They did give us his address in the -- New
14 York along with several other employees. However, he was
15 not on the initial disclosures. The whole point of the
16 Federal rules, judge, you know, you don't dump 60
17 witnesses that are not on your amended pretrial
18 disclosures at trial and expect us to figure out who
19 you're going to call. That's gamesmanship, trial by
20 ambush.

21 So I object to all of those witnesses and, at a
22 minimum, Curt Kellinger, whose address we were never given
23 and we don't know anything about him whatsoever.

24 THE COURT: Okay.

25 Mr. Zabell, do you want to respond?

472

1 MR. ZABELL: Sure.

2 First, with regard to Curt Kellinger, he was
3 mentioned throughout discovery and his name was identified
4 in numerous places during Don Zarda's deposition. In
5 fact, your Honor precluded me from introducing Don Zarda's
6 testimony about how honest and how much of a straight
7 shooter Don Zarda believed Curt Kellinger to be.

8 These were individuals that were brought, the --
9 the issue of not permitting Duncan Shaw, Wayne Burrell and
10 Curt Kellinger was addressed before, your Honor. And your
11 Honor has already ruled out and your Honor did give
12 Mr. Antollino an opportunity to write a formal motion
13 seeking to preclude. And Mr. Antollino didn't take your
14 Honor up on that issue.

15 Your Honor specifically said that they are going
16 to testify, but I will not have all 60 people testify.
17 Again, the reason why we listed as many people as we did
18 is because skydivers are a transient lot. They're hard to
19 pin down, they're hard to get a hold of.

20 So we listed -- we were overinclusive just to
21 make sure that we were able to get some people to come and
22 testify as to the behavior that they observed.

23 THE COURT: I'm going to allow him to testify.
24 I'll put the reason on the record later. I don't want to
25 keep the jury waiting anymore.

473

1 MR. ANTOLLINO: All three are going to testify,
2 even the one whose address we weren't given?

3 THE COURT: Yes.

4 Okay, so my ruling is that these videos can't
5 come in through Mr. Maynard if he has never seen them
6 before today and had no involvement in them.

7 MR. ANTOLLINO: Well, one of them, judge, came
8 from the Skydive Long Island website. And so, you know,
9 Mr. Zabell didn't talk to his client. Mr. Maynard has not
10 testified as to his oversight of the Skydive Long Island
11 website and what they put there. So as far as the camel
12 toe --

13 THE COURT: Which one was on the website?

14 MR. ANTOLLINO: The camel toe video.

15 THE COURT: That one is not coming in under 403
16 and I'll put the reasons on the record later. That is
17 definitely not coming in.

18 So if that is the one that is on the website,
19 you can't question him regarding his oversight of the
20 website. And with the one with Mr. Zarda, again, I don't
21 know how he can authenticate a video of Zarda that he
22 wasn't involved in.

23 MR. ANTOLLINO: They turned it over to us. We
24 asked for 20 videos chosen arbitrarily. They turned it
25 over to us. He can identify the plane. He can identify

474

1 the Drop Zone. He can identify Mr. Zarda. He can
2 identify the procedure.

3 THE COURT: Did you turn the video over?

4 MR. ZABELL: Oh, yes.

5 THE COURT: So why can't -- the representative
6 of the company can't authenticate that through him. He is
7 the owner of the company, so he wasn't involved in the
8 making of the video. It certainly is in their records.

9 He can authenticate it as being a business record of --

10 MR. ZABELL: I have no problem with that, judge.

11 THE COURT: Okay. So I will let that video in.

12 Okay.

13 MR. ANTOLLINO: Through Mr. Maynard.

14 And there is going to be no objection to
15 introducing the videos of Mr. Kengle through Mr. Kengle?

16 THE COURT: That's what I heard. If there is an
17 objection, I'm overruling it. Okay?

18 MR. ZABELL: I can't imagine why he wouldn't,
19 nor Duncan Shaw.

20 MR. ANTOLLINO: Now, as far as Mr. Kengle is
21 concerned, without taking a position on that, is
22 Mr. Zabell's preference to call him now rather than have
23 him wait until after Mr. Zabell's testimony?

24 THE COURT: Mr. Maynard's.

25 MR. ANTOLLINO: Mr. Maynard's testimony.

475

1 MR. ZABELL: I would have taken up counsel on
2 that but we just sent him back to his car to return in
3 about 45 minutes.

4 THE COURT: Okay. Do you think Mr. Maynard will
5 be done in about 45 minutes?

6 MR. ZABELL: No, I think he will be done in an
7 hour but I --

8 MR. ANTOLLINO: I'm not so sure I'll be done in
9 an hour. If you want to text Mr. Kengle and have him come
10 back up, feel free.

11 THE COURT: Do you want to text? Do you have
12 your cell phone?

13 MR. ZABELL: I do.

14 THE COURT: Do you want to call him and ask him
15 to come back now?

16 MR. ZABELL: I imagine it will take him a few
17 minutes to get his phone but I still want to start with
18 Mr. Maynard.

19 THE COURT: So let's just start, okay?

20 MR. ANTOLLINO: He is available all day, I think
21 I'll need more than 45 minutes.

22 MR. ZABELL: I understand that.

23 MR. ANTOLLINO: I want to stop at some point and
24 take the morning break and have him come up and testify
25 and then go back to Maynard.

476

1 THE COURT: We'll go an hour and see where we
2 are, okay?

3 MR. ANTOLLINO: Okay.

4 THE COURT: All right. Bring in the jury.

5 (The jury entered the courtroom.)

6 THE COURT: Good morning, members of the jury.
7 Good to see you all this morning. I hope you enjoyed your
8 weekend. I apologize for keeping you waiting. But we are
9 ready to proceed now.

10 So I'm going to ask Mr. Antollino to call his
11 next witness.

12 MR. ANTOLLINO: Thank you, judge.

13 Plaintiffs call Raymond -- oh, would you tell
14 the jury --

15 THE COURT: Yes. As you can see, Melissa Zarda,
16 who is representing the estate, is not with us. She had
17 to return home. But Mr. William Moore is a representative
18 of the estate and he will be arriving shortly. So you
19 will see him arriving shortly at plaintiff's table. Okay?

20 Please remain standing.

21 **RAYMOND MAYNARD**

22 called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 THE CLERK: Please state and spell your name for
25 the record.

Maynard - Direct/Mr. Antollino

477

1 THE WITNESS: Raymond Maynard, M-A-Y-N-A-R-D.

2 THE COURT: Please be seated.

3 And just so you understand, when Mr. Zabell gets
4 to cross-examine. I'm going to allow him to proceed in
5 the scope of a direct examination so that he doesn't have
6 to recall Mr. Maynard during his case. So that when he
7 gets to the defense case, you can call Mr. Maynard and he
8 will be asking the defense questions during the cross,
9 okay?

10 Go ahead.

11 DIRECT EXAMINATION

12 BY MR. ANTOLLINO:

13 Q Good morning, Mr. Maynard.

14 A Good morning.

15 Q You have been skydiving for some 45 years.

16 Is that true?

17 A That's correct.

18 Q And you agree that skydiving is not an activity that
19 everyone would enjoy, true?

20 A True.

21 Q As you once said that to a reporter, correct?

22 A That's right.

23 Q You told the reporter that, in your opinion, being
24 crazy helps.

25 Isn't that true?

Maynard - Direct/Mr. Antollino

478

1 A I don't know if I said it like that.

2 Q Why don't you take a look at your deposition,
3 page 31, 32, and look at line 13.

4 You were asked the question: Would you agree
5 with me people think skydivers are just a bunch of
6 crazies? You don't have to be crazy, but it helps.

7 Answer: That's something I've said.

8 A If that is what I said, it's within the deposition.
9 Not the way you first stated it.

10 Q So to be clear, you don't have to be crazy, but it
11 does help?

12 A That is my opinion, yes.

13 Q Now, when a passenger gets to the Drop Zone, one of
14 the first things he or she does is sign a release.

15 Is that true?

16 A That's true.

17 Q And I'm going to hand you -- we have already seen
18 this, you saw the last week, correct?

19 A Yes, we did.

20 Q Mr. Kengle also signed a release.

21 Is that right?

22 A I believe he did.

23 Q I'm going to hand you what is, I believe Defendant
24 Exhibit X and Plaintiff Exhibit 36 and ask you if you
25 recognize this.

Maynard - Direct/Mr. Antollino

479

1 A Yes. This is the waiver that we use.

2 Q This is the waiver that you use at the Skydive Long
3 Island. And this was the one that was filled out David
4 Kengle, correct?

5 A That's his name. I mean, I have never seen this
6 personally. I mean, I don't see these every day.

7 Q Sure.

8 THE COURT: Is that the same objection?

9 MR. ANTOLLINO: Is there any objection to
10 admitting this at this point?

11 MR. ZABELL: No.

12 THE COURT: Plaintiff's 36 is admitted.

13 (Plaintiff Exhibit 36 in evidence.)

14 BY MR. ANTOLLINO:

15 Q Now, I'm going to ask you some questions about the
16 exhibit at some point and if you need to look at it before
17 you answer the question, please ask me.

18 All right. Now, when the customer arrives at
19 the Drop Zone, he not only -- when I say he, I mean it
20 could be a he or a she and, in fact, that she -- I mean,
21 it could be a she or a he.

22 She signs the waiver, correct?

23 A Correct.

24 Q And you want that customer to read the entire waiver,
25 correct?

Maynard - Direct/Mr. Antollino

480

1 A They should.

2 Q Why should they?

3 A Because they're giving up their legal rights.

4 Q They're giving up legal rights and you want them to
5 understand that skydiving is not a normal activity,
6 correct?

7 A Correct.

8 Q Now, in addition to signing this release and giving
9 up their rights, the customer watches a video about the
10 process, correct?

11 A Correct.

12 Q You have had several videos that you have shown to
13 customers over the years at Skydive Long Island.

14 Is that true?

15 A That's right.

16 Q And now in your most recent video, you appear and
17 explain the process to the students, correct?

18 A Correct.

19 Q All right. And you explained in the video that
20 skydiving is a dangerous sport, correct?

21 A Correct.

22 Q You explain that you can be injured skydiving,
23 correct?

24 A Correct.

25 Q You explain that you can even be killed, correct?

Maynard - Direct/Mr. Antollino

481

1 A Correct.

2 Q Now, you explain on the video that you, the customer,
3 agree that by signing the Skydive Long Island release, you
4 give up your rights to sue Skydive Long Island and anyone
5 remotely connected with the skydive from liability if
6 something happens to you, the customer, correct?

7 A Correct.

8 Q And the customer agrees to that release, even if it
9 happened as a result of the skydive instructor's
10 negligence, correct?

11 A Correct.

12 Q Now, by liability, that means holding you responsible
13 for something that goes wrong to them, correct?

14 A Could you ask that again? I'm not sure what you're
15 getting at.

16 Q All right. Do you understand what the word liability
17 means?

18 A Yes.

19 Q And the customer is giving up his right to hold you
20 liable for anything that goes wrong on the jump, correct?

21 A Correct.

22 Q Now, you explain, and you explained on the video,
23 quote, You have assumed the entire risk of the skydiving.

24 Is that true?

25 A That's true.

Maynard - Direct/Mr. Antollino

1 Q You also explain on the video that, quote, The bottom
2 line on the release is that you're agreeing not to sue us,
3 correct?

4 A Correct.

5 Q And you also say that if you do sue us, you can't
6 win, correct?

7 A Correct.

8 Q This is what you tell potential paying customers,
9 correct?

10 A Correct.

11 Q And if they do sue you, they have to pay your
12 attorney's fees, correct?

13 A Correct.

14 Q You used to use a video by a guy named Bill Booth,
15 correct?

16 A Correct.

17 Q Before the video that you used, there was a similar
18 video that had similar information but it showed a video
19 of Bill Booth, correct?

20 A Correct.

21 Q According to you, Bill Booth is a very knowledgeable
22 guy with respect to skydiving, correct?

23 A Correct.

24 Q He has a couple of skydiving patents.

25 Isn't that true?

482

Maynard - Direct/Mr. Antollino

483

1 A That's true.

2 Q In your opinion, he is an expert in the area of
3 parachuting and skydiving, correct?

4 A Correct.

5 Q Now, this expert, Bill Booth was recorded in a video
6 talking to potential passengers before they went up on
7 their jump, correct?

8 A Correct.

9 Q And when you talk about potential passengers, a lot
10 of them are going to be novices who have never gone up on
11 a skydive, correct?

12 A Correct.

13 Q Now, in the Booth video, he told your passengers
14 about the inherent risk that they would be taking by
15 making a tandem parachute jump, correct?

16 A Correct.

17 Q He told your students that each of the parachute
18 systems and people, all necessary for use to make a
19 parachute jump, is subject to malfunction or human error,
20 correct?

21 A Correct.

22 Q In the video he told your students there are -- in
23 the video he told your students that there is not now, nor
24 will there ever been a perfect parachute, correct?

25 A Correct.

Maynard - Direct/Mr. Antollino

484

1 MR. ZABELL: Objection, your Honor. The entire
2 line of questioning has to do with the video that wasn't
3 shown to Ms. Orellana or Mr. Kengle. He is talking about
4 a video that was heard.

5 MR. ANTOLLINO: We don't need to show the video
6 to them.

7 THE COURT: Well, you should focus on what
8 was -- if it is the same that was in the video and the
9 substance, that is fine. But you should --

10 MR. ANTOLLINO: I'm going to wrap it up.

11 BY MR. ANTOLLINO:

12 Q Mr. Booth also said that there is no perfect
13 airplane, correct?

14 A Correct.

15 Q Mr. Booth also said there is no perfect parachute
16 instructor, correct?

17 A Correct.

18 Q And he also said, for that matter, there is no
19 perfect passenger/student, correct?

20 A Correct.

21 Q And you believe that what Bill Booth said was true,
22 correct?

23 A Correct.

24 Q So therefore you agree that there is not a perfect
25 student?

Maynard - Direct/Mr. Antollino

485

1 A Correct.

2 Q And the same thing is saying there is no perfect
3 student, that is like saying there is no perfect customer,
4 correct?

5 A Correct.

6 Q You have thousands of people coming through Skydive
7 Long Island in the summer, correct?

8 A Correct.

9 Q You can't have every customer happy, correct?

10 A I don't -- what do you mean by happy?

11 Q When they come through the Drop Zone, you can't have
12 everyone happy with the experience, correct?

13 A Correct.

14 Q Okay. And you can't have everyone return, correct?

15 A Correct.

16 Q You know that to be true because this is a very
17 unusual activity, correct?

18 A Correct.

19 Q It's something very risky, correct?

20 A Correct.

21 Q It is inherently dangerous, correct?

22 A Correct.

23 Q Some students have unrealistic expectations about
24 what a skydive will be, correct?

25 A Some do.

Maynard - Direct/Mr. Antollino

486

1 Q And that's why you show them a video and make them
2 read the release, correct?

3 A Correct.

4 Q All right. You do not want them reading the release
5 at the same time that they watch the video. Do you?

6 A No.

7 Q You want them to read the release separately from
8 watching the video, correct?

9 A Correct.

10 Q All right. Now, if two people come together, you
11 don't want one person explaining the release to another
12 person. Do you?

13 A No.

14 Q And, in fact, you even tell the customers in your
15 video that if they want to, they can take this release,
16 consult an attorney and come back another day, correct?

17 A Correct.

18 Q Because they're giving up very important rights,
19 correct?

20 A Correct.

21 Q And you would welcome them to do that, correct?

22 A Correct.

23 Q You want passengers to have proper expectations when
24 they go up on the jump by watching the video and reading
25 the release, correct?

Maynard - Direct/Mr. Antollino

487

1 A What do you mean by Drop Zone?

2 Q Well, you want them to have expectations that are set
3 forth in this release, and the expectations that are set
4 forth in the video, correct?

5 A I'm not sure what you mean by expectations.

6 Q Well, you want them to know that there is no telling
7 what's going to happen up in the sky, correct?

8 A To a point, yes.

9 Q All right. They could end up dead after the skydive,
10 correct?

11 A Correct.

12 Q All right. Or they could have an exhilarating time?

13 A Correct.

14 Q So that would be the two polar opposites of the
15 experience in the skydive.

16 Would you agree?

17 A Yes.

18 Q Now, the first page of the release says that the USPA
19 recommends that a student be examined by a physician
20 before going on a skydive, correct?

21 A Can I see that?

22 Q Sure.

23 I'm directing your attention to the portion that
24 says medical certification.

25 A I would like to read the rest of it.

Maynard - Direct/Mr. Antollino

488

1 Q Well, we'll get to the rest of it.

2 But it does say in the first sentence that the
3 USPA recommends that all parachuters have a medical
4 examination.

5 Is that correct?

6 MR. ZABELL: Your Honor, your Honor, I'm going
7 to object.

8 What he is showing him is not the Exhibit 36
9 that is in evidence.

10 MR. ANTOLLINO: Well, this is an appendage to
11 the exhibit.

12 THE COURT: We should make it clear.

13 MR. ANTOLLINO: Well, we're making clear --
14 we've made clear that this document that I have held and
15 shown Mr. Maynard is the release signed by David Kengle,
16 correct?

17 MR. ZABELL: Objection.

18 A Read the rest of that, what you're reading to me.
19 The next paragraph would make sense.

20 Q Okay --

21 MR. ZABELL: Your Honor, I'm going to object.
22 He is asking him about a document that he is not moving
23 into evidence and he has not moved into evidence.

24 THE COURT: All right. Sidebar.

25 (Continued on the following page.)

Maynard - Direct/Mr. Antollino

489

1 (The following occurred at sidebar.)

2 MR. ANTOLLINO: That is marked both Plaintiff's
3 Exhibit 36 and Defendants' X.

4 MR. ZABELL: This is the only document that we
5 have that is 36. That is a separate document that we know
6 what that is. But that's not what was moved into
7 evidence. This is counsel's binder. This is what was
8 sent to me.

9 THE COURT: What is the difference? This is
10 part of the release?

11 MR. ZABELL: It is a separate medical
12 certification that is not part of the release. It is
13 given to them at the time they sign the release.

14 THE COURT: You have these two as one document?

15 MR. ANTOLLINO: Yes.

16 THE COURT: Do you have any objection to this
17 coming in as a business record?

18 MR. ZABELL: I don't have a problem with it
19 coming in, as long as it is introduced separately and not
20 as Exhibit 36.

21 MR. ANTOLLINO: Well, the whole thing is, it's
22 Exhibit X.

23 THE COURT: I'll make it clear to the jury that
24 it is coming in and I'll keep the number the same but it
25 is a separate document from the release. Okay.

Maynard - Direct/Mr. Antollino

490

1 MR. ZABELL: Thank you, judge.

2 MR. ANTOLLINO: Thank you.

3 (Continued on the following page.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

491

1 (The following occurred in open court.)

2 THE COURT: Members of the jury, this is another
3 document that is part of Plaintiff's Exhibit 36. It is a
4 release and there is a document that is on top of the
5 release that there is no objection to its admission. So
6 this one-page document is going to come in as well as part
7 of Exhibit 36. Okay?

8 MR. ANTOLLINO: And Defendants' X, judge. It is
9 also Defendants' X.

10 MR. ZABELL: We can call it 36-A.

11 THE COURT: It is one document, if you want --
12 let me deem it 36-A, okay?

13 (Plaintiff Exhibit 36-A in evidence.)

14 BY MR. ANTOLLINO:

15 Q What is the USPA?

16 A It's the governing body for skydiving in the United
17 States.

18 Q So they set the standards for what is safe and proper
19 for student skydivers, correct?

20 A They use the guidelines what we should be doing, yes.

21 Q What does USPA stand for?

22 A United States Parachute Association.

23 Q Now, you wanted me, on two occasions, to read the
24 second paragraph and I'm going to get to that now.

25 If they don't get examined, they have to certify

Maynard - Direct/Mr. Antollino

1 that they're not being treated for any ailments, correct?

2 | A Correct.

3 Q All right. And in that paragraph there is a point
4 about medical disorders, correct?

5 A Correct.

6 Q Do you know why?

7 | A Do I know why that's in there?

8 Q Yes .

9 A Because when people come to skydive, USPA recommends
10 they get a medical. Nobody is going to do that. So
11 saying that we want you to tell us to the best of your
12 ability that you are physically and mentally able to make
13 a skydive. And that is what we're asking them to sign.

14 Q And when you say mentally, you make specific mention
15 of nervous disorders. correct?

16 A Yes.

17 Q And why would nervous disorders be included in the
18 release?

19 A Everyone is going to be nervous when they make a
20 skydive. That's put in the release for an extreme,
21 extreme person that would not be able to do it.

22 Q It doesn't say extreme, extreme person. It says,
23 nervous disorder, correct?

24 A Yes.

25 Q It doesn't say extremely nervous. It says, simply,

Maynard - Direct/Mr. Antollino

493

1 nervous disorder, true?

2 A True.

3 Q So because they sign this release, they cannot hold
4 Skydive Long Island liable for any injury, correct?

5 MR. ZABELL: Objection. Asked and answered.

6 THE COURT: Sustained.

7 BY MR. ANTOLLINO:

8 Q And any injury would be physical or emotional injury,
9 true?

10 MR. ZABELL: Objection.

11 THE COURT: I'll allow that question.

12 You can answer that.

13 A What was the question again?

14 THE COURT: Does injury include physical or
15 emotional injury?

16 A Correct.

17 Q In any way connected to the jump, correct?

18 MR. ZABELL: Objection.

19 THE COURT: You can answer that. You can answer
20 again.

21 A Correct.

22 Q That's because you can never predict what's going to
23 happen on a jump, correct?

24 A Correct.

25 Q Now, since skydiving is an inherently dangerous

Maynard - Direct/Mr. Antollino

494

1 activity, you are aware that people have died from
2 skydiving in general, correct?

3 A Correct.

4 Q There have even been deaths at Skydive Long Island,
5 correct?

6 A Correct.

7 Q There was an incident where two experienced skydivers
8 crashed into each other during a skydive.

9 Is that correct?

10 MR. ZABELL: Objection.

11 THE COURT: Sustained on relevance grounds.

12 You don't have to go into that.

13 BY MR. ANTOLLINO:

14 Q But some customers want the thrill of an inherently
15 dangerous activity, true?

16 A True.

17 Q And that person can't blame Skydive Long Island
18 because she chooses to go on an inherently dangerous
19 activity if something goes wrong, correct?

20 MR. ZABELL: Objection.

21 THE COURT: I think you can handle this.

22 BY MR. ANTOLLINO:

23 Q Paragraph 3 of this release specifically alludes to
24 parties included in the jump, correct?

25 A Correct.

Maynard - Direct/Mr. Antollino

495

1 Q And among the parties included is not only you and
2 the Board of Directors, but it also includes jump masters,
3 flyers of the aircraft and instructors, correct?

4 A Correct.

5 Q In every jump an instructor will try to avoid it and
6 adapt to the situation as best he can?

7 A Avoid what?

8 Q Avoid any danger and adapt the skydive to the
9 situation as best the skydive instructor can?

10 A Correct.

11 Q All right. Now, earlier today you saw a video of Don
12 with a passenger not involved in this case.

13 Is that right?

14 A Correct.

15 Q Okay. And you recognized Don on that video. You
16 recognize Don on that video?

17 A Correct.

18 Q That was a video that was taken at Skydive Long
19 Island and produced to plaintiff in the litigation leading
20 up to this trial, correct?

21 A Correct.

22 MR. ZABELL: Your Honor, I'm just going to ask
23 for a moment.

24 (There was a pause in the proceedings.)

25 MR. ANTOLLINO: I would deem this Plaintiff's

Maynard - Direct/Mr. Antollino

496

1 Exhibit 53.

2 THE COURT: Any objection?

3 MR. ZABELL: No objection.

4 THE COURT: All right. 53 is admitted and you
5 can play it for the jury.

6 (Plaintiff Exhibit 53 in evidence.)

7 BY MR. ANTOLLINO:

8 Q Let me just ask you, what is that helmet that says
9 Get Some on it?

10 A What was the question?

11 Q Can you read it back?

12 (Question was read back.)

13 A It's a helmet that says Get Some on it.

14 Q And it says more than one video at Skydive Long
15 Island.

16 Is that correct?

17 MR. ZABELL: Objection.

18 THE COURT: Sustained.

19 Q Do you know who owns it?

20 A No, I do not.

21 Q Okay. Have you seen it in videos of customers that
22 purchased them at Skydive Long Island?

23 A No, I have not.

24 (The tape was played.)

25 (The tape was stopped.)

Maynard - Direct/Mr. Antollino

497

1 BY MR. ANTOLLINO:

2 Q All right. Who do you recognize as being the
3 instructor of the African American gentleman there?

4 A Don Zarda.

5 (The tape was played.)

6 (The tape was stopped.)

7 Q All right. Would you say that's a typical atmosphere
8 before someone jumps?

9 A Yes.

10 Q And you saw Don in the background, quote-unquote,
11 hamming it up for the camera, correct?

12 A Correct.

13 Q You heard Rich Winstock last week referred to that as
14 enhancing the video, correct?

15 A Correct.

16 Q That is what he was doing, correct?

17 A Correct.

18 (The tape was played.)

19 (The tape was stopped.)

20 BY MR. ANTOLLINO:

21 Q Now, you notice there that the gentlemen that is on
22 his left -- let's just go back a little bit.

23 (The tape was played.)

24 (The tape was stopped.)

25 Q There. Did you see that? The gentleman that Don was

Maynard - Direct/Mr. Antollino

498

1 with and how close they were?

2 A He is what?

3 Q Do you see how close Don and the customer were?

4 A Yes.

5 Q Was there anything inappropriate about them being
6 that close?

7 A No.

8 (The tape was played.)

9 (The tape was stopped.)

10 Q Okay. Do you see anything unusual about that video,
11 whatsoever, in comparison to the typical Skydive Long
12 Island video of a customer jump?

13 A No.

14 Q Now, if a customer is uncomfortable, it is the job of
15 the skydive instructor to do his best to make sure that
16 the customer is as comfortable as he or she can possibly
17 do, correct?

18 A Correct.

19 Q If there is a physical danger, the instructor will
20 try to avoid it, correct?

21 A Correct.

22 Q All right. Now, if the customer says something is
23 bothering her, you expect the skydive instructor to
24 respond to that, correct?

25 A Correct.

Maynard - Direct/Mr. Antollino

1 Q It might be that something is happening because it is
2 part of the skydive, correct? 499

3 A Could be.

4 Q And it would be good in that instance to explain to
5 the customer that this is happening because of whatever
6 reason, correct?

7 A Correct.

8 Q And there might be some instances where the customer
9 is strapped too tight and -- I'm sorry -- that the
10 passenger is strapped too tight and the instructor says,
11 Well, if I loosen this, it's going to put you in physical
12 danger, correct?

13 A If they were strapped too tight, yes.

14 Q Sometimes they might be strapped too tight and the
15 instructor says, Well, there is a little bit I can give,
16 and I'll loosen it a half an inch or so, correct?

17 A No. When an instructor straps you in, they know how
18 tight to make it so they're not strapped too tight.

19 Q So it's one size fits all?

20 A No. They're the harness is completely adjustable.

21 Q It's not like when you go to bowling and you say, My
22 shoe size is 10, correct?

23 A Correct.

24 Q There is one size tandem jumpsuit and it has to be
25 adjusted for each passenger, correct?

Maynard - Direct/Mr. Antollino

500

1 A We don't put jumpsuits on.

2 Q Well, what would you call them, harnesses?

3 A Harness.

4 Q Okay. When you strapped on a harness to a customer,
5 it's one size fits all and it has to be adjusted to the
6 customer and to the instructor, correct?

7 A I believe that there may be different size harnesses,
8 but most likely we adjust it based on each person.

9 Q Okay. Now, in paragraph 5 of the waiver, it talks
10 about risks contemplated on the jump, correct?

11 A Correct.

12 Q And in this paragraph -- by the way, before you --
13 let me withdraw that question and ask you.

14 You require all of your students to initial each
15 paragraph on the release, correct?

16 A Correct.

17 Q So they sign the first page as the medical
18 certificate, correct?

19 A Correct.

20 Q They initial each paragraph from 1 to 24, correct?

21 A Correct.

22 Q You want to be able to show that the potential
23 passenger had the opportunity to read the paragraph and
24 that his eyes were on that page, at least, correct?

25 A Correct.

Maynard - Direct/Mr. Antollino

501

1 Q And preferably you want the passenger to read the
2 entire release and understand it, correct?

3 A Correct.

4 Q If they have a question about it, you want them to
5 bring it up to you at the skydive center, correct?

6 A Correct.

7 Q And you, if you cannot answer the question, you
8 advise them to consult an attorney, correct?

9 A Correct.

10 Q So, in paragraph 5, the passenger releases Skydive
11 Long Island even if someone at Skydive Long Island is
12 negligent, correct?

13 A Correct.

14 Q That means that if, by mistake, someone does
15 something unsafe, you can't sue Skydive Long Island,
16 correct?

17 A Correct.

18 Q And we already went over paragraph 9 that says if you
19 do sue, you have to pay your attorney's fees in defending
20 the suit, correct?

21 MR. ZABELL: Objection.

22 THE COURT: Sustained. We've been through this
23 already.

24 BY MR. ANTOLLINO:

25 Q Alright.

Maynard - Direct/Mr. Antollino

502

1 Now I want you to read aloud paragraph 13 to
2 this release?

3 MR. ZABELL: Objection, your Honor.

4 THE COURT: What's the objection?

5 MR. ZABELL: Relevance.

6 THE COURT: Why don't you come up.

7 (Continued on the following page.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

503

1 | (The following occurred at sidebar.)

2 MR. ZABELL: He already testified on multiple
3 occasions about the closeness. There is no -- we
4 stipulate that the jumper --

5 THE COURT: You're going too slow. You have
6 been 45 minutes already.

7 MR. ANTOLLINO: If I go too fast there will be
8 objections. And I don't know what to tell you, judge.

9 THE COURT: You're rehashing every aspect of the
10 waiver multiple times.

11 MR. ANTOLLINO: I'm almost finished with the
12 waiver.

13 | (Continued on the following page.)

Maynard - Direct/Mr. Antollino

504

1 (The following occurred in open court.)

2 BY MR. ANTOLLINO:

3 Q Can you read paragraph 3?

4 A I am making a student jump. I understand that I will
5 be wearing a harness which needs to be adjusted by a jump
6 master. My jump is a tandem jump.

7 I understand the tandem master will attach my
8 harness to his and that this part of my body goes in close
9 proximity to the tandem master.

10 I specifically agree to this physical contact
11 between me and the tandem master and myself.

12 Q So you tell the potential customers that they're
13 going to be touched by the instructor, correct?

14 A Correct.

15 Q And you make them initial that paragraph, correct?

16 A Correct.

17 Q And men and women have to read that paragraph and
18 initial it, correct?

19 A Correct.

20 Q And that's true whether the instructor or the
21 passenger is straight or gay, correct?

22 A Correct.

23 Q Anyone who does not read that paragraph cannot
24 understand the nature of tandem skydiving.

25 Would you agree with that?

Maynard - Direct/Mr. Antollino

505

1 MR. ZABELL: Objection.

2 THE COURT: Sustained.

3 BY MR. ANTOLLINO:

4 Q Do you expect a potential passenger to read that
5 paragraph in order to understand every aspect of the
6 skydive and what's going to happen?

7 MR. ZABELL: Objection.

8 THE COURT: He can answer that.

9 A I want them to read that and initial it, correct.

10 Q Could you answer the question?

11 MR. ZABELL: Objection.

12 THE COURT: Sustained.

13 He can't answer the question.

14 BY MR. ANTOLLINO:

15 Q You don't expect passengers to know how to strap on
16 gear, correct?

17 A Correct.

18 Q You don't expect them to know how to manipulate the
19 gear, correct?

20 A Correct.

21 Q You would not expect the clients to know the
22 intricacies of what is safe and not safe?

23 A Correct.

24 Q Now, Rich Winstock last week described this as
25 invading the passenger's space.

Maynard - Direct/Mr. Antollino

506

1 Would you agree with that assessment?

2 A Yes.

3 Q Now, if the student gets -- has signed a release,
4 watched the video and gets into the aircraft, can she ask
5 to get out of the aircraft if it has not taken off?

6 A Yes.

7 Q And this is true even if she is strapped up or not
8 strapped up.

9 Is that correct?

10 A Correct.

11 Q Has there ever been a situation like that, that you
12 can recall, at Skydive Long Island?

13 A No, I do not.

14 Q But it would be allowable if someone said, I've
15 changed my mind, I don't like how this feels, let me out?

16 A Yes.

17 Q Now, what if the passenger is up in the air and has a
18 change of heart, she doesn't want to go out on the jump?
19 Have you ever had a situation like that where the
20 passenger doesn't make the jump when they go up in the
21 air?

22 A Yes.

23 Q So therefore, it would be logical to conclude that it
24 is completely allowable for someone to say, I changed my
25 mind, I'm not going to jump, when the airplane is up in

Maynard - Direct/Mr. Antollino

507

1 the air, correct?

2 A Correct.

3 Q Would you agree that a student who is uncomfortable
4 should tell the instructor that she is uncomfortable?

5 A Yes.

6 Q And that way the instructor can either explain why
7 she might have to be uncomfortable or adjust the harness
8 to her comfort, correct?

9 A Correct.

10 Q Or give her a chance to get off the ride altogether,
11 correct?

12 A Correct.

13 Q Now, you expect your instructors to have experience,
14 correct?

15 A Yes.

16 Q Don had all the experience that you were looking for,
17 correct?

18 A Correct.

19 Q And you expect all of your instructors to use their
20 best judgment in adjusting the straps during the dive,
21 correct?

22 A Correct.

23 Q Now, at the time that he died, Don Zarda had over
24 5,000 jumps to his credit, correct?

25 A I don't know how many jumps Don had when he died.

Maynard - Direct/Mr. Antollino

508

1 Q Well, he had more than you when you were deposed.

2 Is that correct?

3 A Yes.

4 Q Now, aside from deaths, there is about at least one
5 accident a year at Skydive Long Island, correct?

6 MR. ZABELL: Objection.

7 THE COURT: I already sustained the objection.

8 We're not going to go into that.

9 BY MR. ANTOLLINO:

10 Q Okay. You have gotten cases -- you have had people
11 sue you?

12 MR. ZABELL: Objection.

13 THE COURT: Sustained.

14 When I sustained that objection, that doesn't
15 mean to ask the same question on the same topic, okay?
16 You move to a different topic.

17 BY MR. ANTOLLINO:

18 Q And you thought Don was a good instructor, correct?

19 A Correct.

20 Q He was liked by his co-workers, correct?

21 A Correct.

22 Q Do you recognize the e-mail address
23 Ray@optonline.net?

24 A That was an old e-mail I had, yes.

25 Q And do you recognize the e-mail

Maynard - Direct/Mr. Antollino

509

1 funjumps@SkydiveLongIsland.com, correct?

2 A That's the e-mail address that we used then, yes.

3 Q Now, I'm handing you Defendants' Exhibit N and I'm
4 going to ask you if this is, in fact, an e-mail that you
5 received at JumperRay@optonline.net and you sent to
6 FunJump@SkydiveLongIsland.

7 MR. ZABELL: Objection.

8 It's not -- I'm looking at my Exhibit N and that
9 is not Exhibit N.

10 THE COURT: Do you want to show it to him?

11 MR. ZABELL: Okay. It is one page of an
12 exhibit.

13 MR. ANTOLLINO: Is there another page?

14 MR. ZABELL: There is many pages, that is why it
15 says 1 of 4.

16 MR. ANTOLLINO: Is there another page?

17 MR. ZABELL: Your Honor, I think we need a
18 sidebar on this. This was one of the issues that we
19 raised.

20 THE COURT: Why don't we take a break. You
21 don't have to say anything, okay?

22 We'll take the morning break.

23 (The jury left the courtroom.)

24 THE COURT: What is the issue, Mr. Zabell?

25 MR. ZABELL: Okay. This is page 24 of

Maynard - Direct/Mr. Antollino

510

1 Exhibit -- of Defendants' Exhibit X. Defendants'
2 Exhibit N is the declaration, Don Zarda's declaration.
3 And counsel wants to introduce it into evidence with the
4 subject of this weekend's motions.

5 MR. ANTOLLINO: No, a separate portion of it.

6 THE COURT: Hold on.

7 MR. ANTOLLINO: I do want -- may I show it to
8 you?

9 THE COURT: I understand, obviously, the issue
10 with the declarations which I'll get to when we finish
11 with Mr. Maynard. But just because something is attached
12 to the declaration doesn't mean he can't try to get it in
13 through his demands.

14 MR. ZABELL: No, no, I understand that. I have
15 to say, I kind of panicked a little bit when I looked at
16 Exhibit N and I did not see this and then saw where it
17 came from. The e-mail itself, I don't have an objection
18 to. It's a -- somebody submitted an e-mail complimenting
19 Mr. Zarda -- their jumper, Mr. Zarda. I don't think it is
20 relevant, but I don't have any objection.

21 THE COURT: Are there other documents that
22 you're asking Mr. Maynard about? I don't want to chance
23 sidebars. Are there other ones?

24 MR. ANTOLLINO: Well, there were many things he
25 looked at at his deposition, including how to strap up.

Maynard - Direct/Mr. Antollino

511

1 And that's -- his deposition is marked as an exhibit and
2 were an exhibit to his exhibits. There are also pictures
3 on his Facebook page. There are also comments on his
4 Skydive Long Island page. There are also things that I
5 would give him to refresh his recollection. And I'm
6 trying to use the Defendants' exhibits to avoid a problem
7 in authenticity.

8 THE COURT: So there is a document about how to
9 strap someone up?

10 MR. ANTOLLINO: That is a document that shows a
11 picture of about how someone is strapped up.

12 THE COURT: Any objection to that?

13 MR. ZABELL: No, as long as he lays a proper
14 foundation.

15 I'm concerned that counsel thinks that just
16 because he questioned Mr. Maynard at his deposition about
17 a document or we turned the document over in discovery,
18 that it is automatically admissible.

19 THE COURT: That is not the case.

20 So he is not -- just because it was shown at
21 deposition doesn't mean it's going to come in at the
22 trial.

23 MR. ANTOLLINO: I agree, judge. But I'm going
24 to ask him a question about it. And further, you know,
25 the pretrial order is for him to say what is authentic and

Maynard - Direct/Mr. Antollino

1 what is not. And we seem to have to lay a foundation for
2 something that he hasn't objected to on the grounds of
3 business records or foundation or whatnot.

512

4 THE COURT: I haven't seen that. I saw him
5 agree to certain things that come in as business records
6 without laying a foundation. But what about the Facebook
7 page?

8 MR. ANTOLLINO: Well, the Facebook page has lots
9 of personal comments. And this is not his personal
10 Facebook page. This is Skydive Long Island's Face --
11 business Facebook page where he makes lots of personal
12 comments about his life to his customers.

13 MR. ZABELL: If I can for a moment put myself in
14 Mr. Antollino's mind, I think he is talking about comments
15 that were posted on a Facebook page about his
16 deteriorating relationship with his ex-wife.

17 I don't see how that is relevant. Again,
18 through plaintiff's case, the actual jumper came in and
19 talked about what she complained about. It wasn't that
20 Mr. Zarda has shared personal facts with her. It was the
21 timing of the sharing of the personal facts.

22 THE COURT: This Facebook page is a website
23 Facebook page or his personal Facebook page?

24 MR. ANTOLLINO: The company's Facebook page.

25 THE COURT: Do you have an exhibit number?

Maynard - Direct/Mr. Antollino

513

1 MR. ANTOLLINO: Yes. That is Exhibit 7.

2 THE COURT: All right. I'll look at it during
3 the break. Okay? Let's take a break.

4 MR. ANTOLLINO: Okay, judge.

5 (A recess was taken.)

6 (After recess the following occurred.)

7 THE COURT: On the posting of the website,
8 again, my understanding is that this is the Skydive Long
9 Island page and it looks like this is an entry that
10 Mr. Maynard put on that page regarding his ex-wife. I
11 think that certainly is relevant on the issue of the
12 timing of it and whether or not there is a difference
13 because it's not during a dive versus posting it for
14 anyone to ignore it. If they would just ignore it, I
15 think it goes to the weight. But I think it should come
16 in.

17 It looks like it's -- there are two of these,
18 right? I assume it is the same edition, cumulative?

19 MR. ANTOLLINO: Right.

20 THE COURT: How many are you using, just those
21 two?

22 MR. ANTOLLINO: Just a couple.

23 THE COURT: What do you mean a couple? Beyond
24 what I see here? I see one where he has his arm around
25 his wife.

Maynard - Direct/Mr. Antollino

514

1 MR. ANTOLLINO: Yes.

2 THE COURT: And there is another one, a picture
3 of them over coffee or something or a soda?

4 MR. ANTOLLINO: Yes.

5 THE COURT: Is that --

6 MR. ANTOLLINO: The comment about his pathetic,
7 crazy ex-wife, which she testified, Why did you feel the
8 need to mention this on the business Facebook page?

9 THE COURT: I'm going to allow it in. I just
10 want to make sure there is not a series of those.

11 MR. ANTOLLINO: No.

12 MR. ZABELL: Your Honor, I have the ruling. I'm
13 not arguing. But full disclosure, there are, there are
14 two different Skydive Long Island or Skydive LI Facebook
15 pages. My client is prepared to testify about both of
16 them and who was able to see them.

17 I just don't want to mislead in my silence that
18 this is something that is completely available to
19 everybody.

20 MR. ANTOLLINO: It was available to me. I liked
21 it and I've been following Skydive Long Island for five
22 years.

23 THE COURT: I'm just saying it goes to weight.
24 You can cross-examine your client on who can see this and
25 all of the circumstances surrounding this, but your

Maynard - Direct/Mr. Antollino

515

1 silence is not acquiesce --

2 MR. ZABELL: I just did not want to mislead
3 anyone by my silence.

4 THE COURT: All right.

5 I'm going to ask you to try to move it along
6 more quickly. I don't know how much more background you
7 have.

8 MR. ANTOLLINO: When I go too fast, judge, the
9 tensions rise and people get upset. I'm just trying to go
10 as smoothly as possible. I understand, judge, we're in
11 the second week. I just want it to go as smoothly as
12 possible without objections. So by going slow and asking
13 questions that end with, correct, I don't get an objection
14 from him that I didn't ask a question, I just made a
15 statement. And that avoids the sidebar. So I'm doing it
16 very carefully to avoid other mishaps, so --

17 THE COURT: I'm the judge. I'm telling you it's
18 going too slow. I don't know why you're doing it. If
19 you're anticipating to go a little faster than Mr. Zabell
20 may be jumping up and down. I don't know why you're doing
21 it. I'm just telling you, you're taking too long. So for
22 whatever reasons you have for doing it, it's taking too
23 long.

24 I have been patient. I'm waiting. We have 45
25 minutes. But I'm just telling you to try to move it along

Maynard - Direct/Mr. Antollino

516

1 a lit quicker, okay?

2 MR. ZABELL: Judge, I do note that Mr. Kengle
3 has returned, so we can take him now.

4 THE COURT: Do you want to do that,
5 Mr. Antollino?

6 MR. ANTOLLINO: Let me consult with counsel.

7 As long as we can agree that Mr. Cardinale can
8 call him and we -- we can agree to that now, we'll call
9 him and have Mr. Cardinale ask questions and lead rather
10 than have to go through what we went through last week.

11 THE COURT: Well, you can call him, I guess, but
12 I -- again, I haven't heard his deposition testimony but I
13 assume he is adverse in the same way that Mr. --

14 MR. ANTOLLINO: He was the one that made the
15 complaint.

16 THE COURT: I understand. I understand that.

17 Okay. Any objection?

18 MR. ZABELL: No.

19 THE COURT: So you can step down. You can say
20 that for the record.

21 MR. ZABELL: Yes, I'm sorry.

22 I have no objection.

23 MR. ANTOLLINO: I need a second to set up
24 Mr. Kengle's video and move these things over so Rich can
25 call Mr. Kengle and ask the questions.

Maynard - Direct/Mr. Antollino

1 THE COURT: Has Mr. Kengle seen the video yet? 517

2 MR. ANTOLLINO: Yes.

3 THE COURT: Okay.

4 MR. ANTOLLINO: Judge, do you want me to seat
5 Mr. Kengle?

6 THE COURT: Yes, he can come up.

7 (Continued on the following page.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

518

1 THE COURT: Are we ready?

2 MR. ANTOLLINO: Judge, this witness has seen the
3 video, is that correct, Mr. Kengle?

4 MR. KENGLE: Yes.

5 MR. ANTOLLINO: You've seen the video of
6 yourself.

7 MR. KENGLE: My video.

8 THE COURT: All right.

9 (Whereupon, the jury at this time enters the
10 courtroom.)

11 THE COURT: If everyone will be seated. As we
12 did last week, we'll take a witness out of order. The
13 order of a witness doesn't matter obviously so we'll
14 interrupt Mr. Maynard's testimony and then we'll go back
15 to it.

16 MR. CARDINALE: Plaintiff calls David Kengle.

17 THE CLERK: Raise your right hand.

18 **DAVID KENGLE**

19 having been first duly sworn, was examined and
20 testified as follows:

21 THE CLERK: Please spell your name for the
22 record.

23 THE WITNESS: David K-E-N-G-L-E.

24 THE COURT: Have a seat, Mr. Kengle.

25

Kengle - Direct/Cardinale

519

1 DIRECT EXAMINATION

2 BY MR. CARDINALE:

3 Q You and I never met before?

4 A I don't believe so.

5 Q And we've never seen each other before?

6 A No.

7 Q Mr. Kengle, in which county do you reside in?

8 A Suffolk County.

9 Q Are you presently employed?

10 A Yes.

11 Q What is your employment?

12 A I'm a bartender.

13 Q I'll direct your attention to June 18, 2010. Do you
14 remember that date?

15 A Yes.

16 Q That was the day you went skydiving with Skydive Long
17 Island?

18 A Yes.

19 Q And you went with your girlfriend Rosana Orelana?

20 A Orelana.

21 Q And you are still with Ms. Orelana today?

22 A Yes.

23 Q And she was your girlfriend on June 18, 2010?

24 A Yes.

25 Q And when -- before you went on the plane at Skydive

Kengle - Direct/Cardinale

520

1 Long Island on June 18, 2010, you watched a video which
2 gave you instructions; am I correct?

3 A Yes.

4 Q And the video explained to you that you and Rosana
5 would be in close physical proximity with the skydiving
6 instructor; is that correct?

7 A Correct.

8 Q You and Rosana also signed some forms, is that true?

9 A Yes.

10 Q And you read those forms?

11 A Yes.

12 Q And those forms stated you would not hold Skydive
13 Long Island responsible for any harm that came to you
14 while skydiving, correct?

15 A Yes.

16 Q The forms also state that you consented to being
17 touched by a instructor, true?

18 A Yes.

19 Q And the form also stated that you consented that you
20 would be in close physical proximity to the instructor, is
21 that true?

22 A If you are telling me if that's true, I don't
23 remember the form.

24 Q Okay. I'll hand you what has been received in
25 evidence as Plaintiff's Exhibit 36.

Kengle - Direct/Cardinale

521

1 May I approach the witness, your Honor?

2 A Yes.

3 Q That document is in evidence. Did you sign that
4 document?

5 A Yes.

6 Q Please read paragraph 13 for the jury.

7 A If I am making a student jump I understand I'll be
8 wearing a harness which will need to be adjusted by the
9 jumpmaster. If my jump is a tandem jump I understand that
10 the tandem master will attach my harness to his and this
11 will put my body in close proximity to that of the tandem
12 master. I specifically agree to physical contact between
13 the tandem master and myself.

14 Q Do you remember signing that document?

15 A I do.

16 Q And Rosana also signed the same document?

17 A Yes.

18 Q And did -- do you know if Rosana read the form before
19 signing that?

20 A She did.

21 Q Now, with regard to your relationship with Rosana,
22 you have referred to yourself as the brains of the
23 operation; is that right?

24 A True.

25 Q And you also described yourself as the legal person

Kengle - Direct/Cardinale

522

1 in the relationship?

2 A I guess. I don't know. I don't know what that means
3 by that, but okay.

4 Q Do you remember testifying at a pretrial deposition
5 in this case?

6 A It sounds like you are referring to a joke I made at
7 the time or something like that, but I'm not aware. We
8 don't have any lawyers, so I mean the legal -- I don't
9 know.

10 Q You described yourself in your deposition as being
11 the legal person in the relationship. Those were the
12 words you used; is that correct?

13 A I don't know what you are talking about.

14 Q Do you remember giving a deposition in this case on
15 November 9, 2011?

16 A Yes.

17 Q You were under oath?

18 A Yes.

19 Q You testified truthfully?

20 A I did.

21 Q I will refer you to page 16 of the deposition,
22 line 7.

23 Question: Was she reading the document?

24 Answer: Yes, I mean she probably skimmed it. I
25 don't think she read it as attentive as I did. I don't

Kengle - Direct/Cardinale

523

1 recall. She may have, I done know, just knowing that I
2 assume, you know. I would assume you know she probably
3 left it for me. She trusts my judgment. I'm kind of the
4 brains of the operation, I guess. I'm the legal person,
5 you know.

6 Q Did you give that -- were you asked that question and
7 did you give that answer during your deposition.

8 MR. ZABELL: Objection, your Honor. He doesn't
9 have the deposition transcript in front of him.

10 THE COURT: Do you want to show it to him?

11 MR. CARDINALE: Sure?

12 Handing you a transcript of your deposition.

13 Please read line 7.

14 A It's what you just read, yes.

15 MR. CARDINALE: Is that correct?

16 THE WITNESS: Yes.

17 Q You did testify that you were the legal person in the
18 relationship, yes?

19 A In the middle of my testimony it seems like I made a
20 joke so I don't know what that means. But yes, true.

21 Q Thank you.

22 Now, before you went up on the plane, you paid
23 for the jump for you and Rosana; is that correct?

24 A Yes.

25 Q And were you employed at the time?

Kengle - Direct/Cardinale

524

1 A Yeah.

2 Q And you also paid extra money to have the jump
3 videotaped, is that true?

4 A Yes.

5 Q And you've seen this videotape?

6 A I have.

7 MR. CARDINALE: Your Honor, may I have a second,
8 please.

9 Your Honor, I'll play Plaintiff's Exhibit 53.

10 THE COURT: Okay. Is there any objection to the
11 admission of 53?

12 MR. ZABELL: No, your Honor.

13 THE COURT: Exhibit 53 is admitted and may be
14 played for the jury.

15 MR. CARDINALE: Mr. Kengle, it should be on the
16 screen.

17 MR. ZABELL: 53 was already admitted.

18 THE COURT: Hold on.

19 MR. ZABELL: 53 was already admitted, was
20 something called Don's video.

21 MR. ANTOLLINO: 54 then, your Honor, I'm sorry.

22 THE COURT: Okay, 54.

23 (Whereupon, Plaintiff Exhibit 54 was received in
24 evidence.)

25 (Video clip played.)

Kengle - Direct/Cardinale

525

1 BY MR. CARDINALE:

2 Q Mr. King, how many times have you seen this video
3 since June of 2010?

4 A Not many. Couple times.

5 Q Couple times, meaning two?

6 A I don't know.

7 Q You were able to hear what was said on the video when
8 you were seated?

9 A Yes.

10 Q Isn't it true that during the video you were asked by
11 one of the instructors how you were feeling?

12 A Yes.

13 Q And you testified you felt great?

14 A Uh-huh.

15 Q You also testified that you were doing good?

16 A Yes.

17 Q You also made the thumbs up hand gestures, is that
18 true, to the videographer?

19 A Yes.

20 Q What did that mean, the thumbs up hand gesture?

21 A We were ready to jump out of the plane.

22 Q You were having a good time?

23 A Yes.

24 Q Is it fair to say your girlfriend Rosana seemed happy
25 on the video?

Kengle - Direct/Cardinale

526

1 A Yes.

2 Q And at one point you saw her pucker her lips for the
3 camera?

4 A Yes.

5 Q At the end of the video, you were asked how was the
6 jump in sum and substance.

7 Do you remember that?

8 A Yes.

9 Q What was your response?

10 A I said great, awesome.

11 Q What were the exact words she used?

12 A Do you want to play it again?

13 Q I'll hand you your deposition.

14 Page 48, line 17.

15 Mr. Kengle, please turn to page 48, line 17.

16 Tell me when you get there?

17 A I'm there.

18 Read it?

19 Q Yes. During your deposition, were you asked these
20 questions and did you give these answers?

21 Question: I see at some point at the very end
22 you were asked how your experience was and what were your
23 exact words?

24 Answer: Awesome.

25 Question: Was it anything more than that?

Kengle - Direct/Cardinale

527

1 Answer: I'm sorry?

2 Question: Was there something awesome or an
3 adjective to describe awesome?

4 Answer: Fucking awesome, I believe it was.

5 "Question: Was that true at that time?

6 Answer: Jumps out of the plane, yeah, it was
7 pretty fucking awesome."

8 Did you give that testimony during your
9 deposition?

10 A I did.

11 Q I'm sorry?

12 A I did.

13 Q Now, you remember skydiving on June 18, 2010,
14 correct?

15 A I do.

16 Q Do you remember being on the plane with your
17 instructor?

18 A I do.

19 Q Do you remember your instructor's name?

20 A I do not.

21 Q Okay. Did your instructor inform you that he was
22 from New Zealand?

23 A I don't remember.

24 Q Did you discuss anything personal with your
25 instructor about where he was from?

Kengle - Direct/Cardinale

528

1 A Did I discuss anything where he was from?

2 Q Did he discuss anything personal with you, the
3 instructor, like where he was from?

4 A I don't consider telling me where he was from being
5 personal, but sure, if you tell me that he told me where
6 he was from yes. But he didn't tell me --

7 Q When you were flying on the plane to the Drop Zone,
8 you were in close physical proximity with your instructor?

9 A I was.

10 Q While you were on the plane, your body was touching
11 your instructor's body?

12 A It was.

13 Q You were sitting between your instructor's open legs?

14 A Yes.

15 Q Your back was attached to the front of his body?

16 A It was.

17 Q You are attached to the instructor's hips?

18 A I was.

19 Q How long were you on the plane before you got to the
20 Drop Zone?

21 A I don't know. A few minutes.

22 Q Ten, fifteen minutes, or longer when you say a few?

23 A I don't know. I don't know the exact number.

24 Q During the time in the plane, you observed your
25 girlfriend Rosana being strapped to her instructor?

Kengle - Direct/Cardinale

529

1 A Yes.

2 Q And he was Don Zarda?

3 A He was.

4 Q And while Rosana was being attached to Mr. Zarda, one
5 of the other instructed stated how do you feel about your
6 girlfriend being strapped to another guy?

7 MR. ZABELL: Objection.

8 THE COURT: What is the objection?

9 MR. ZABELL: It's misleading the witness based
10 upon the testimony that has been adduced so far during the
11 trial.

12 THE COURT: The witness can answer independent
13 of any other testimony.

14 A Somebody made a joke to that effect.

15 Q What was said exactly?

16 A Along the lines, you know, your girlfriend will be
17 strapped to another guy, ah-ha.

18 Q And Don Zarda did not make the comment, true?

19 A I don't know who made it.

20 Q But did Don Zarda make it?

21 MR. ZABELL: Objection, asked and answered.

22 THE COURT: You can answer that, if you
23 remember.

24 A Somebody made it. I mean I really don't remember who
25 made it, but somebody made it.

Kengle - Direct/Cardinale

1 Q Okay. Do you still have your deposition in front of 530
2 you?

3 A I do.

4 Q I refer you to page 20, line 8. Tell me when you get
5 there?

6 A I'm there.

7 Question: Who made the joke about, did you know
8 that your girlfriend was going to be strapped to another
9 guy?

10 Answer: I think it was a third instructor that
11 was neither one of our instructors.

12 Question: Did everyone laugh?

13 Answer: I think it was the guy with the camera,
14 actually.

15 Question: The guy with the camera?

16 Answer: Maybe."

17 Were you asked those questions and did you give
18 those answers during your deposition?

19 A I did.

20 Q I also refer you to page 42 of your deposition,
21 line 23. Tell me when you get there?

22 A I'm there.

23 Question: Who made the joke about being
24 strapped to your girlfriend, was that that Don or someone
25 else?

Kengle - Direct/Cardinale

531

1 Answer: It was definitely somebody else because
2 it was -- I remember it being how do you feel about this
3 guy getting strapped to your girlfriend? I don't remember
4 exactly which of the instructors it was but it was
5 definitely not Don.

6 Did you give that testimony?

7 A I did.

8 Q As you sit here today, do you recall that Don did not
9 make that comment?

10 A It was probably somebody else because where I say
11 about somebody else being strapped to your girlfriend,
12 yeah.

13 Q You said probably it was somebody else?

14 A Yes.

15 Q Isn't it true during your deposition you said it was
16 definitely not Don?

17 A This was four years ago. The jump was five years
18 ago, so I mean I probably have a better memory of it then,
19 but --

20 Q During your deposition, you didn't use the word
21 "definitely," true?

22 A I did.

23 Q Did you like that joke? Were you offended by it?

24 A I wasn't offended by it. Did I like it? You know,
25 it was a type of joke -- I'm not thrilled about it. I can

Kengle - Direct/Cardinale

532

1 take a joke.

2 Q Is it fair to say that you believe Don Zarda touched
3 Rosana in an inappropriate manner on the plane?

4 A Yes.

5 Q When you saw them you weren't so concerned about your
6 judgment, correct?

7 A Yes.

8 Q You realized when you go skydiving you have to rely
9 on your judgment of the instructor, isn't that true?

10 A Correct.

11 Q Your life is in the instructor's hands.

12 A It is.

13 Q But you didn't say anything to Mr. Zarda about the
14 touching, did you?

15 A I did not, no.

16 Q And you didn't ask to be brought back to the ground
17 to receive a replacement instructor for Rosana?

18 A No, I did not.

19 Q You allowed your girlfriend's life to be placed in
20 the hands of whose judgment you questioned?

21 A Now that I think about it, you are taking it a little
22 too far because I questioned the appropriateness of his
23 behavior, but I don't think all judgment is, you know,
24 created equal. I don't think that, you know, me feeling
25 that he did something inappropriate was now I felt her

Kengle - Direct/Cardinale

533

1 Life was in danger. I don't agree with that.

2 Q You consider yourself a very focal person who stands
3 up for himself; isn't that right?

4 A Yes.

5 Q Would you say Rosana is a talkative person?

6 A She's talkative but she's not, you know, she doesn't
7 stand up -- I mean she's not whatever you described me as.

8 Q While you were on the plane, you did not observe
9 Rosana say anything to Mr. Zarda about inappropriate
10 touching, did you?

11 A No, she said it to me on the way home.

12 Q Never said it on the plane to Mr. Zarda, isn't that
13 true?

14 A I don't believe so.

15 Q She did not ask to be brought down and given a
16 different instructor, isn't that true?

17 A It is not.

18 Q You jumped out of the plane?

19 A Yes.

20 Q And Rosana jumped out of the plane?

21 A Yes.

22 Q She landed safely?

23 A Yes.

24 Q Do you recall what she said when she landed?

25 A I do not.

Kengle - Direct/Cardinale

534

1 Q Do you recall that she said her experience was
2 awesome?

3 A I do not, but it sounds like.

4 Q Now that you are safely on the ground, did you say
5 anything to Mr. Zarda about inappropriate touching of
6 Rosana?

7 A No.

8 Q And Rosana did not say anything to Mr. Zarda about
9 being inappropriately touched, did she?

10 A She did not.

11 Q In fact you observed Rosana pose for a picture with
12 Mr. Zarda at landing site, isn't that true?

13 A I don't remember but --

14 Q Okay. I'll refer you again to your deposition,
15 page 57. Tell me when you get there.

16 A Okay.

17 Q Line 13. Are you there?

18 A Uh-huh.

19 Question: Were you asked these questions and
20 did you give these answers:

21 "Question: At the very end of the frame she
22 moved her face in close to Mr. Zarda's to take a picture,
23 right?

24 Answer: Yes.

25 Question: Did anyone force her to do that?

Kengle - Direct/Cardinale

535

1 Answer: No.

2 Question: You went in and took a picture too?

3 Answer: Sure."

4 Were you asked those questions and did you give
5 those answers?

6 A Yes.

7 Q Now, you testified a minute ago that she didn't
8 complain to Mr. Zarda about inappropriately touching
9 Rosana, isn't that true?

10 A Yes.

11 Q And after you landed, did you ask to speak to someone
12 in charge like a manager or an owner to complain?

13 A No.

14 Q Did you hear Rosana ask to speak to someone in charge
15 in order to complain?

16 A No.

17 Q Now, Rosana told you later on the way home that
18 Mr. Zarda had told her at one point prior to landing not
19 to worry because he's gay, is that true?

20 A Yes.

21 Q Do you consider that to be an offensive comment?

22 A No.

23 Q Based on what Rosana was telling you, did you feel
24 Mr. Zarda was trying to reassure Rosana?

25 A It sounds like he was trying to reassure her whatever

Kengle - Direct/Cardinale

536

1 he said was okay because he was gay. That's what it
2 sounds like to me.

3 Q The day you and Rosana went skydiving on June 18,
4 2010, do you recall what day of the week that was?

5 A I do not.

6 Q Was it a Friday?

7 A I believe it was sometime over the weekend, yes.

8 Q Okay. Now, at any point on June 18, 2010, you did
9 not complain to anyone at Skydive Long Island, isn't that
10 true?

11 A Correct.

12 Q And you didn't complain the next day either?

13 A I believe it was over the weekend that I complained
14 on Monday.

15 Q You complained on Monday. June 18, 2010, you didn't
16 complain, true?

17 A It was her birthday.

18 Q Saturday you didn't complain?

19 A Okay.

20 Q Sunday you didn't complain?

21 A Okay.

22 Q And you waited until Monday to complain?

23 A Yes.

24 Q You realized when you complained, there was a chance
25 you would get your money back, isn't that true?

Kengle - Direct/Cardinale

537

1 A Actually I didn't realize there was a chance to get
2 my money back. I didn't make the complaint in order to
3 get my money back.

4 I was complaining, and he gave me my money back,
5 but I wasn't expecting it.

6 Q Who did you ask to speak with when you complained?

7 A I don't remember.

8 Q But you did speak with Maynard, isn't that true?

9 A At first I spoke to a woman over the phone who took a
10 message, and he called me back.

11 Q Isn't it true, Mr. Maynard never spoke with Rosana?

12 A Correct.

13 Q He got the whole story from you?

14 A Correct.

15 Q And Mr. Maynard refunded your money?

16 A He did.

17 Q You accepted the refund?

18 A I did.

19 Q You didn't have to accept it, true?

20 A Did I have to? No, I guess I didn't have to.

21 Q Mr. Maynard sent you a check?

22 A I believe so.

23 Q And you didn't call him back and say I'm not taking
24 the check, I just wanted to complain to you about what
25 happened?

Kengle - Direct/Cardinale

538

1 A No, I didn't do that.

2 Q When you discussed the incident with Mr. Maynard, you
3 never told him that Mr. Zarda discussed his sex life with
4 Rosana, isn't that true?

5 A I'm sorry?

6 Q You never told Mr. Maynard that Mr. Zarda discussed
7 his sex life with Rosana, isn't that true?

8 A I never discussed --

9 Q Did you ever tell Mr. Maynard that Mr. Zarda
10 discussed his sex life with Rosana?

11 A First of all, I don't remember exactly the
12 conversation that we had. I made a complaint based on
13 what I felt was inappropriate and the story that my
14 girlfriend Rosana gave me at the time. Exactly what I
15 told him, I don't remember the details, but he did refer
16 to his personal life, reference his personal life in some
17 capacity. I felt that added inappropriateness, and that
18 was my complaint.

19 Q You still have your deposition in front of you?

20 A Yes.

21 Q I refer you to page 36, line 20. Tell me when you
22 get there?

23 A Okay.

24 Q Were you asked these questions and did you give these
25 answers at your deposition?

Kengle - Cross/Zabell

539

1 Question: You said something earlier about that
2 you said Don was mentioning something about his sex life?

3 Answer: Well, his sexual preference.

4 Question: That's not the same as sex life?

5 Answer: Well, he mentioned his boyfriend. I
6 don't remember. Yeah, I guess not."

7 Were you asked those questions and did you give
8 those answers?

9 A I did.

10 Q You did tell Mr. Maynard that Mr. Zarda told Rosana
11 that he was gay, isn't that true?

12 A I did.

13 MR. CARDINALE: No further questions, your
14 Honor.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MR. ZABELL:

18 Q Mr. Kengle, do you still have your deposition in
19 front of you?

20 A I do.

21 Q I'll ask you to read on page 37, right after
22 Mr. Cardinale had you read. Doesn't that follow-up the
23 question on line 3? What if he had mentioned his wife,
24 would that just been just as bad?

25 Read back your answer beginning at line 5?

Kengle - Cross/Zabe11

540

1 MR. CARDINALE: Objection, your Honor.

2 THE COURT: What is the objection?

3 MR. CARDINALE: His testimony has nothing to do
4 with the question I just asked.

5 THE COURT: Come up to side bar.

6 (Whereupon, at this time the following took
7 place at the sidebar.)

8 (Continued.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Kengle - Cross/Zabell

541

1 (Out of the presence of the jury.)

2 MR. ZABELL: This is the condensed.

3 THE COURT: Which line is it?

4 MR. ZABELL: (Indicating).

5 THE COURT: I think I'll allow it under the rule
6 of completeness.

7 MR. ZABELL: Thank you.

8 (End of sidebar conference.)

9 (Continued.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Kengle - Cross/Zabel1

542

1 (In open court.)

2 Q Mr. Kengle, so Mr. Antollino asked you a question,
3 what if he had mentioned his wife?

4 Could you read back what your answer was?

5 Answer: It's more the way it was. I think it
6 should not even come up. First of all, the sentence I
7 hope you don't feel uncomfortable because you know I'm
8 gay, the fact that she had had anything to feel
9 uncomfortable in the beginning, the fact that he was aware
10 of that event that there was something inappropriate. Why
11 else would she feel inappropriate?

12 Q Mr. Kengle, I don't know why I didn't ask this of you
13 before. Did you complain about Don Zarda?

14 A Did I complain?

15 Q Yes.

16 A Yes, I was the one who called Ray Maynard or Skydive
17 Long Island and issued a complaint.

18 Q What was that?

19 A That he acted inappropriately.

20 Q Did you explain how he acted inappropriately?

21 A I did explain how he acted inappropriately.

22 Q And did you relay to Mr. Maynard that you felt
23 Mr. Zarda was being flirtatious with Rosana?

24 A I did, yes.

25 Q And did you relay that to Mr. Maynard that Mr. Zarda

Kengle - Cross/Zabel1

543

1 kept his hands on her hips or thigh area throughout the
2 jump?

3 A I did.

4 Q Did you relay to Mr. Maynard that Don Zarda was
5 whispering in her ear?

6 MR. CARDINALE: Objection to leading, your
7 Honor.

8 THE COURT: It's cross-examination.

9 A I did.

10 Q Did you relay to Mr. Maynard that Mr. Zarda was
11 making gestures around his face and pointing at
12 Ms. Orelana?

13 A I did.

14 Q I'm going to show you a video, and if you could
15 identify for me this video.

16 Your Honor, this is this is a video previously
17 admitted into evidence. This is Ms. Orelana's jump?

18 THE COURT: Okay.

19 Q Now, Mr. Kengle, can you identify the two people in
20 this video?

21 A Yes.

22 Q Who were the two people in the video?

23 A On the left is Don Zarda. On the right is my
24 girlfriend Rosana Orelana.

25 Q Okay. Let me wind it back a little bit.

Kengle - Cross/Zabel1

544

1 Is that something you complained about to

2 Mr. Maynard?

3 A Yes, one of the main things I complained about was
4 the fact that I noticed him kind of gesturing to his
5 mouth, his fellow instructors, as if to say, you know,
6 look at the girl. And the fact that I noticed it, it was
7 that blatant and on the video was something that, yeah, it
8 definitely bothered me, and I complained about it.

9 Q Did you complain to Mr. Maynard that someone said how
10 do you feel about your girlfriend being strapped to
11 another dude?

12 A I did not.

13 Q Was that something that you felt was something that
14 you should have complained about?

15 A No.

16 Q Did you see that?

17 A Yes.

18 Q Could you describe what you saw?

19 A I saw her instructor Don gesturing to my girlfriend,
20 you know, surrounding his fingers around his mouth, you
21 know, implying something to the camera.

22 Q Were you able to see that during the jump?

23 A I was.

24 Q And did you complain about that to Mr. Maynard?

25 A I did.

Kengle - Cross/Zabel1

545

1 Q Now, did you tell -- who is that?

2 A That's me.

3 Q Okay. Did you tell Mr. Maynard that you were going
4 to sue him?

5 A No.

6 Q Did you tell Mr. Maynard that you don't care what
7 release you signed, you were still going to file a
8 lawsuit?

9 A No.

10 Q Now, when you were falling from the airplane, were
11 you having a discussion with your instructor?

12 A I was.

13 Q What were you discussing?

14 A He was kind of giving me, you know, the layout of the
15 land and the history of whatever area we were in kind of
16 thing. Very skydive-related.

17 Q And when you were jumping with your instructor, when
18 you were in the plane with your instructor, did he have
19 your hands on your hips?

20 A I don't think so. Not with my hips. We were in
21 contact but it was not inappropriate the way I viewed
22 Don's contact as inappropriate in the sense that he was
23 kind of taking advantage of the situation by being overly
24 familiar with me.

25 Q Is that how you describe Don Zarda's behavior with

Kengle - Cross/Zabel11

546

1 Rosana?

2 A Yes, I don't think -- my complaint was not that he
3 touched her in like he groped her. My complaint is he
4 used the proximity, everything we signed off on, as if
5 that gives him free license to be as familiar as he wants
6 to be. So even reading that before, that doesn't -- that
7 doesn't mean you can just act any way you want to act or
8 touch anybody you want to touch. There is a line that is
9 still there.

10 I felt he was overly familiar in the fact that
11 he was touching his lips, he was referencing what my
12 girlfriend looked like, and putting his chin on her
13 shoulder, and things like that.

14 Q Did there come a time you discussed your observations
15 of the jump with Rosana?

16 A Yes.

17 Q When was that?

18 A We talked about it on the way home. When it came
19 altogether, I did notice things in the plane that kind of,
20 you know, irritated me, annoyed me, but we really had a
21 conversation about it driving home, and that's when I
22 started becoming angry about what had happened.

23 Over the course of the weekend I became angry
24 enough that I called on Monday morning.

25 Q And did you mention Rosana's birthday at all when you

Kengle - Cross/Zabell

547

1 spoke to Ray Maynard?

2 A I probably did. It was her birthday.

3 Q Do you recall what you may have mentioned?

4 A I was trying to make it a special day.

5 MR. CARDINALE: Objection.

6 THE COURT: What is the question?

7 MR. ZABELL: The question was what happened and
8 he is testifying how he felt.

9 THE COURT: About what you relayed.

10 THE WITNESS: I relayed the information and I
11 was trying to make it a special day.

12 Q How did your experience from the jump on that Friday
13 make you feel about that special day?

14 A I felt like --

15 MR. CARDINALE: Objection. This wasn't in the
16 complaint. He should be not be testifying as to his
17 feelings. I want him to testify about his background, why
18 he complained.

19 THE COURT: Okay, overruled.

20 MR. ZABELL: May I ask the reporter to read back
21 the question, please?

22 THE COURT: Owen, please read back the question.

23 (Whereupon, the record was read back by the
24 reporter.)

25 A I felt especially being this is our only experience

Kengle - Redirect/Cardinale

1 with skydiving, it was slightly tainted, that, you know,
2 we would have preferred. The first thing I asked her
3 driving home was what she thought.

4 MR. CARDINALE: Objection to hearsay.

5 THE COURT: Again, he's testifying as to the
6 background as to why he made the call.

7 | Overruled.

8 A The first thing she said to me, she wished she had
9 had a different instructor because it made her feel
10 uncomfortable. So that kind of, you know, sums up I'm
11 glad we went skydiving, glad we had the experience, but it
12 wasn't as perfect as it could have been.

13 MR. ZABELL: Thank you.

14 I have nothing further.

15 THE COURT:

16 | REDIRECT EXAMINATION

17 BY MR. CARDINALE:

18 Q Mr. Kengle, when I was questioning you, you indicated
19 that that the skydiving occurred approximately five years
20 ago and you don't recall it as well as you did in your
21 deposition?

22 A Something I do recall pretty vividly.

23 Q When I asked you, you didn't recall what you said in
24 the deposition, true?

25 A The deposition I probably don't recall as of the

Kengle - Redirect/Cardinale

549

1 incident.

2 Q And you didn't recall some of the details when I
3 asked you about the incident?

4 A I recall the experience. If you are asking me a
5 specific detail about the number of minutes, no, I don't
6 think anybody would recall details like that.

7 Q So you don't remember specific details, is that what
8 you are saying?

9 A I do remember specific details. I didn't remember
10 every specific detail.

11 Q When Mr. Zabell was questioning you, you remembered
12 every detail what he was asking you?

13 A I remember a lot of details.

14 Q Like when Mr. Zabell was questioning you, you recall
15 all the details about your complaints, isn't that true?

16 MR. ZABELL: Objection.

17 THE COURT: Sustained.

18 Q How many times since June 18, 2010, have you met with
19 an attorney for Skydive Long Island?

20 A How many times? I mean we had a deposition. We had
21 a meeting before the deposition. I believe that was it.

22 Maybe there were two meetings.

23 I remember at some point we were discussing we
24 would have a deposition.

25 Q So it's your testimony that you met two times?

Kengle - Redirect/Cardinale

550

1 A I really don't remember.

2 Q Did you meet more than five times?

3 A No.

4 Q Did you meet three times?

5 A Two to three, tops.

6 Q Okay. How many times did you meet with Mr. Zabell
7 before testifying here today?

8 A Two to three times, tops.

9 Q The first time you met an attorney from Skydive Long
10 Island, he came to your home, isn't that true?

11 A I believe so.

12 Q Okay. Well, do you have your deposition in front of
13 you?

14 Page 8, line 11. Tell me when you get there,
15 please?

16 Are you there?

17 A I'm there.

18 Q Were you asked these questions and did you give these
19 answers:

20 Question: When was the first time you met
21 Mr. Zabell?

22 Answer: He came to -- by my apartment once. I
23 think it was late spring, early summer.

24 Question: What happened?

25 Answer: You know he -- we had spoken on the

Kengle - Redirect/Cardinale

551

1 phone first, he let us know everything that was going on
2 and he said he needed to get my statements, so he came
3 over and we gave him our statements.

4 Did you give that testimony in your deposition?

5 A I did.

6 Q So you remember Mr. Zabell coming to your home?

7 A Vaguely.

8 Q Now, when Mr. Zabell came to your home, you were
9 living with Rosana at the time, true?

10 A I was.

11 Q And he met with Rosana as well?

12 A I believe so.

13 Q Was she there when Mr. Zabell was questioning you?

14 A I think so, yes.

15 Q And was she in the other room?

16 A No.

17 Q Now, a second time you met with Mr. Zabell was the
18 afternoon of your deposition on November 9, 2011, isn't
19 that true?

20 A I don't remember if it was the second time. I feel
21 like you are asking me, you are trying to catch me in
22 details. I don't know what you mean by that.

23 Q Did you meet with Mr. Zabell the day of your
24 deposition?

25 A I met with him the day of the deposition.

Kengle - Redirect/Cardinale

552

1 Q Rosana was there as well?

2 A Yes.

3 Q And you went to a steakhouse?

4 A We did.

5 Q And Skydive Long Island picked up the tab?

6 A I don't know.

7 Q Did you pay?

8 A I did not pay.

9 Q Who paid for it?

10 A I think Saul did.

11 Q You ordered a steak?

12 A I really don't remember what I had for lunch four
13 years ago, but I probably had a steak.

14 Q Do you recall what Rosana ordered?

15 A I don't.

16 Q You were unemployed when your deposition was taken at
17 that time, isn't that true?

18 A I don't know.

19 Q Now, I'm going to hand you what has been marked as
20 Defendants' Exhibit L.

21 MR. CARDINALE: May I approach the witness, your
22 Honor?

23 THE COURT: Yes.

24 Q Please take a look that the document.

25 Do you recognize it?

Kengle - Redirect/Cardinale

553

1 A Do I recognize it? It's an affidavit.

2 Q An affidavit signed by you?

3 A Yes.

4 Q Under oath?

5 A Yes.

6 MR. CARDINALE: Your Honor, I move Defendants'
7 Exhibit L into evidence.

8 MR. ZABELL: I object, your Honor, based on
9 relevance.

10 THE COURT: Why don't you approach.

11 (Whereupon, at this time the following took
12 place at the sidebar.)

13 (Continued.)

14

15

16

17

18

19

20

21

22

23

24

25

Kengle - Redirect/Cardinale

554

1 (Out of the presence of the jury.)

2 MR. ANTOLLINO: Judge, this goes to the issue of
3 after he signed his deposition, he supplied this affidavit
4 which came out of nowhere changing his deposition for
5 Mr. Zabell's purposes, and it shows the connection between
6 the two and Mr. Zabell's manipulation or what I could
7 argue is his manipulation of the witness.

8 I will just ask questions, where did you get
9 this; why did you sign this.

10 MR. CARDINALE: Your Honor, to put it another
11 way, the witness testified at his deposition that he did
12 not authorize Mr. Zabell to accept the subpoena on his
13 behalf. He never corrected his deposition. He didn't
14 make any changes on his errata sheet, and he met with
15 Mr. Zabell the third time and signed this affidavit saying
16 he did authorize Mr. Zabell to accept the subpoena on his
17 behalf. So it's an inconsistent statement.

18 MR. ANTOLLINO: The point is that he's changed
19 his testimony.

20 MR. ZABELL: The document itself is prejudicial.
21 The fact that he signed an affidavit and submitted it to
22 our office doesn't mean he met with us, only that someone
23 from my office --

24 THE COURT: The issue whether or not who
25 authorized it and who accepted service is not applicable

Kengle - Redirect/Cardinale

1 to the testimony here today.

555

2 MR. ANTOLLINO: The point is he did, not whether
3 he accepted the subpoena or not.

4 THE COURT: But the point you are trying to make
5 is a general assumption, that he prepared an errata sheet
6 through Mr. Zabell's office.

7 MR. ANTOLLINO: I gave him an errata sheet to
8 sign and he signed it without any changes, but then after
9 that Mr. Zabell sent us this.

10 THE COURT: I'm sustaining the objection under
11 403.

12 MR. ANTOLLINO: Thank you, your Honor.

13 (End of sidebar conference.)

14 (Continued.)

15

16

17

18

19

20

21

22

23

24

25

Kengle - Redirect/Cardinale

556

1 (In open court.)

2 Q Mr. Kengle, prior to testifying in court today, in
3 the last month how many times have you spoken on the
4 telephone with Mr. Zabell?

5 A On the phone, a couple times.

6 Q Couple being two?

7 A A couple meaning we're talking about scheduling what
8 time I had to be in court. So I don't know how many times
9 one of us had to call one back.

10 I have had one regular conversation about the
11 fact that I had to come here.

12 Q And you also discussed what your complaints to
13 Mr. Maynard were?

14 A No, he even asked me if I wanted to read my
15 deposition and I told him I didn't have to because I know
16 what happened. I know what to say.

17 MR. CARDINALE: No further questions.

18 THE COURT: Mr. Zabell?

19 MR. ZABELL: I have nothing further.

20 THE COURT: You may step down, Mr. Kengle.

21 Thank you.

22 (Witness excused).

23 MR. ANTOLLINO: Your Honor, it's 12:30. I don't
24 know if you wanted to take a break for lunch or take a
25 short break.

Kengle - Redirect/Cardinale

557

1 THE COURT: Why don't we break for lunch early
2 then rather than take a break. So we'll reconvene at
3 1:30. Is that okay for everybody?

4 Have a good lunch. Don't discuss the case.

5 (Whereupon, at this time the jury exits the
6 courtroom.)

7 THE COURT: If everybody can be seated. Just
8 two rulings before the break.

9 There were two objections during the cross of
10 Mr. Kengle about how he felt about the experience and then
11 there was another objection to hearsay on the ground of
12 what his girlfriend told him about the experience. I
13 overruled both of those objections for the following
14 reasons: First, he obviously was the conduit from the
15 girlfriend to Mr. Maynard and therefore that is one of the
16 critical issues in the case what complaint did Mr. Maynard
17 receive. In order for the jury to understand how
18 Mr. Maynard received the complaint, they have to know how
19 Mr. Kengle received that information. So it's not for the
20 truth of the matter asserted as to whether or not she was
21 or was not touched inappropriately or inappropriate
22 comments were made to her but simply to convey what the
23 information was according to his testimony provided to
24 Mr. Maynard.

25 On the issue how he felt about the jump, I

Kengle - Redirect/Cardinale

558

1 believe the direct examination opened the door. There was
2 a lot of questioning regarding how long he took to
3 complain. He waited three days to complain and therefore
4 with respect to this questioning regarding the complaint
5 and the delay behind the complaint, I believe as to any
6 questioning about his state of mind was or has been
7 implicated about the direct examination, so I don't want
8 him to testify about his background, what caused him to
9 complain on that Monday morning. Okay.

10 On the last thing at sidebar, the affidavit of
11 Mr. Kengle where he clarifies something, I guess he said
12 in his deposition regarding whether or not Mr. Zabell was
13 authorized to accept a subpoena on his behalf, is
14 completely collateral to the testimony that he gave.
15 Obviously that particular question and answer has no
16 probative value in the case whatsoever. The fact that he
17 did not notice that question and answer, according to him,
18 and that it was in error and I guess that he did not
19 correct it on the errata sheet that was provided to him, I
20 don't believe it is sufficiently probative on his
21 credibility and/or his relationship with Mr. Zabell to
22 allow this affidavit to come in, and then to obviously
23 have to allow him to explain the circumstances surrounding
24 that issue, it is just completely collateral to the
25 questions and answers he gave with respect to the

Kengle - Redirect/Cardinale

1 incidents that are the subject of the litigation.

559

2 So, under 403 I believe any probative value is
3 substantially outweighed by a danger of unfair prejudice
4 and confusion of issues that are fully collateral to the
5 case.

6 All right. So we'll take the break and we'll
7 reconvene with Mr. Maynard.

8 MR. ZABELL: Thank you, your Honor.

9 MR. CARDINALE: Thank you, your Honor.

10 (Whereupon, an afternoon recess was taken.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

560

1

AFTERNOON SESSION

2

(The jury entered the courtroom.)

3

4

5

THE COURT: Now we're going to continue with
Mr. Maynard's direct examination.

6

7

I remind you, you're still under oath,
Mr. Maynard.

8

THE WITNESS: Yes.

9

MR. ANTOLLINO: All right, thank you, judge.

10

I believe this is Exhibit 10, page 24.

11

THE COURT: Yes, that is admitted, page 24.

12

(Plaintiff Exhibit 10, page 24 in evidence.)

13

RAYMOND MAYNARD

14

15

16

called as a witness, having been previously duly
sworn, was examined and testified furtherer as
follows:

17

DIRECT EXAMINATION (Continued)

18

BY MR. ANTOLLINO:

19

20

Q All right Mr. Maynard, could you read the body of the
e-mail at page 24?

21

22

23

24

25

A I just want to drop a note to compliment your tandem
jump master, jump instructor Don from Kansas. He was very
professional in every way and made the entire experience
even better. Employees like Don are the reason for your
continued success. Looking forward to my next jump. Jim

Maynard - Direct/Mr. Antollino

561

1 McVie.

2 Q Mr. Maynard, I want to take you back to the Drop
3 Zone, all right?

4 After the passengers get into the airplane, do
5 they strap up before or after getting into the airplane?
6 I can't remember before what you said.

7 A They are harnessed up before the airplane.

8 Q So they're in the airplane harnessed up. And can you
9 picture in your mind a full airplane of people harnessed
10 up with instructors?

11 A Yes, I can.

12 Q All right, we agree that it's a fairly small area?

13 A It's confined. I don't consider it a small area.
14 It's confined.

15 Q Why don't you take a look at your deposition on page
16 15.

17 Question on line 12.

18 Question: Are passengers in a tandem skydive
19 situation placed in a confined area?

20 Answer: The cab of the aircraft is a fairly
21 small answer.

22 Were you asked that question and did you give
23 that answer?

24 MR. ZABELL: Your Honor, he may have -- it's
25 just not on line, page 15 line 12.

Maynard - Direct/Mr. Antollino

562

1 MR. ANTOLLINO: It's on page 15, line 22.

2 THE COURT: You said, answer.

3 Could you read the answer again.

4 BY MR. ANTOLLINO:

5 Q The cab of the aircraft is a fairly small area.

6 A All right. It's a fairly small area.

7 Q You were asked that question and you gave that
8 answer, correct?

9 A Correct.

10 Q The passengers in the airplane are very closely
11 strapped to the customers, correct?

12 MR. ZABELL: Objection.

13 The passengers are closely strapped --

14 MR. ANTOLLINO: I'm sorry.

15 BY MR. ANTOLLINO:

16 Q The passengers are closely strapped to their
17 instructor, correct?

18 A Correct.

19 Q Someone who is uncomfortable being touched should not
20 be skydiving, correct?

21 A Correct.

22 Q I want you to imagine a person -- well withdrawn.

23 A person -- now if a person complained about
24 being touched, you believe that the best thing to do would
25 be to investigate further, correct?

Maynard - Direct/Mr. Antollino

1 A If they were touched in an inappropriate manner, yes. 563

2 Q If there was a complaint about being touched, you
3 believe that the best course of action would be to
4 investigate, correct?

5 MR. ZABELL: Objection, asked and answered.

6 THE COURT: Sustained.

7 Q Because touching is part of the sport, correct?

8 A Touching is only done when you are putting on the
9 harness to make everything safe.

10 Q And close physical contact is part of the sport, is
11 it not?

12 A It is absolutely necessary to be close when you're
13 strapped to another person, yes.

14 Q Now a person who didn't read the release might not
15 know this.

16 Isn't that correct?

17 A The people that are dressing him and the instructors
18 are letting him know that they're going to be in close
19 proximity.

20 Q Well, you don't want them to rely simply on what
21 people tell them. You want them to watch the video and
22 read the waiver and listen to what your instructors say,
23 correct?

24 A Absolutely.

25 Q I'm going to show you Exhibit 15 and ask you if you--

Maynard - Direct/Mr. Antollino

564

1 THE COURT: Hold on.

2 Is there an objection to 15?

3 MR. ZABELL: It was in the package, I believe.

4 MR. ANTOLLINO: That is the one. There are
5 several pages I'm just using one. I don't know -- do you
6 want to look at it?

7 MR. ZABELL: I have no objection, judge.

8 THE COURT: All right, let's be clear for the
9 record, it's a one page exhibit?

10 MR. ANTOLLINO: Yes.

11 BY MR. ANTOLLINO:

12 Q Do you recognize that?

13 A Yes, I do.

14 Q Does that fairly and accurately represent how close
15 the passenger is to the instructor?

16 A Yes, I do.

17 Q Yes, it is?

18 A Yes.

19 Q Now you want your passengers to know as much about
20 the process as possible before they go up on the skydive.

21 Would you agree with that?

22 A We want them to know what they need to know to help
23 them to know what we're going to do, yes.

24 Q And as far as you know Rosana did not complain to Don
25 about being uncomfortable.

Maynard - Direct/Mr. Antollino

565

1 Is that correct?

2 A She did not express anything to Don, no.

3 Q You saw the video with Skydive, correct?

4 A I saw a video?

5 Q Yes.

6 A Yes, I did.

7 Q There was no evidence in that video that a reasonable
8 person could ascertain that she was uncomfortable.

9 Would you agree with that statement?

10 A No.

11 Q Well what was it that you can recall that you believe
12 showed that she was uncomfortable?

13 A The way Don was acting behind her when he was
14 videotaping. The way he was looking at her. Putting his
15 finger in his mouth, rubbing it around and looking at her
16 like this, like this is something that, you know. So it
17 was very -- it wasn't normal what he was doing.

18 Q You heard her say that she could not see behind her,
19 correct? Did you hear her say that she could not see
20 behind her, correct?

21 A She said that.

22 Q And that activity took place behind her, correct?

23 A It was behind her.

24 Q Now I'm asking you, sir. Was there any activity or
25 demonstration on the part of Rosana that showed that she

Maynard - Direct/Mr. Antollino

566

1 was uncomfortable, not what Don did, but that she was
2 uncomfortable?

3 A The video is only a couple of seconds long. They
4 were in the airplane 10 to 20 minutes. And I believe what
5 they were talking about was not -- I know it wasn't on
6 video. She was in the airplane. She testified that his
7 head was on her shoulder and he was whispering in her ear,
8 and he never left -- he had his hands on her legs or hips
9 the whole time. All of that was totally inappropriate.

10 Q And you heard that from David Kengle, correct?

11 A Yes, I did.

12 Q All right, the question is simple. We know that
13 there is more that was up there. But there is nothing on
14 the video that shows that she is uncomfortable, correct?

15 A There is nothing on the video, but there is also a
16 history of what had happened in the past.

17 Q A history of what had happened, well we'll get to
18 that. But I just want to focus on the video for now,
19 okay?

20 At the very end of the video she said that it
21 was awesome, correct?

22 A Yes, she did.

23 Q And she put her face very closely to Don's. Did she
24 not?

25 A She was being instructed by the videographer to take

Maynard - Direct/Mr. Antollino

567

1 a picture. So it would be like, let's have a video.

2 That's what they do.

3 Q All right were you able to read her mind as to why
4 she did that?

5 MR. ZABELL: Objection.

6 Q You saw her voluntarily pose with Don, correct?

7 MR. ZABELL: Objection.

8 THE COURT: Sustained to the form.

9 Q Did anyone force her to pose with Don?

10 A Nobody forced her to do anything.

11 Q And she moved towards Don, Don didn't move towards
12 her, correct?

13 MR. ZABELL: Objection.

14 THE COURT: Yes. The video speaks for itself.
15 We don't need to go through every aspect of the video.

16 MR. ANTOLLINO: All right.

17 BY MR. ANTOLLINO:

18 Q At the end of the video both of the passengers
19 expressed happiness, Ms. Orelana said it was awesome and
20 Mr. Kengle said it was fucking awesome, correct?

21 A Correct.

22 Q Now there were also pictures taken on this jump by
23 the video master. Isn't that correct?

24 A That's correct.

25 Q And you looked at many of them at your deposition,

Maynard - Direct/Mr. Antollino

568

1 correct?

2 A Yes, I did.

3 Q And you didn't notice any evidence that anyone was
4 uncomfortable on any of those pictures, did you?

5 A I believe when they landed I expressed that she did
6 not look really happy.

7 Q Do you believe that her happiness was a lie? Let's
8 see some other pictures?

9 MR. ZABELL: Objection.

10 THE COURT: Sustained. The jury will disregard
11 that statement.

12 BY MR. ANTOLLINO:

13 Q All right, what was it about her happiness in the
14 pictures that you thought was a lie?

15 A I already told you. The expression on her face to me
16 was not somebody that had just come down and had a great
17 time skydiving. She did not look happy.

18 Q Some people are not happy by the skydiving
19 experience, correct?

20 A Say that one more time.

21 Q Some people are not happy about the skydiving
22 experience, correct?

23 A Very few.

24 Q Some actually express happiness in different ways,
25 don't they?

Maynard - Direct/Mr. Antollino

569

1 A Most people do.

2 Q Okay, I want to show you a few pictures.

3 MR. ANTOLLINO: Are there any objection to the
4 pictures from the deposition? And you can look at them
5 right here. They are, they were e-mailed to you and they
6 are part, they are exhibits from Ray's deposition/?

7 MR. ZABELL: What exhibit number?

8 MR. ANTOLLINO: Ray's deposition 222, 223, 210
9 and 211.

10 MR. ZABELL: May I, your Honor?

11 THE COURT: You might as well look at them on
12 the screen.

13 MR. ANTOLLINO: I have them on the screen right
14 there. This is Ray's deposition 2.

15 Do you have an objection to that? Ray's
16 deposition, that is 2. Do you have an objection to that?

17 MR. ZABELL: No.

18 MR. ANTOLLINO: 2-3. Do you have any objection
19 to that.

20 MR. ZABELL: Keep on going. I'll let you know
21 if I have an objection.

22 MR. ANTOLLINO: So there is four pictures I'm
23 going to show the witness. And there is no objection to
24 any of them. All right?

25 Exhibit, Ray's deposition 2, Ray's deposition

Maynard - Direct/Mr. Antollino

570

1 2.2, 2.3 and 2.10. We're going to show them on the
2 screen.

3 THE COURT: Those four, any objection?

4 MR. ZABELL: I do. But I do think that we need
5 hard copies of the pictures at some point.

6 MR. ANTOLLINO: I don't have hard copies of the
7 pictures. I only have these pictures.

8 THE COURT: Okay. They're admitted. And at
9 some point you need to provide hard copies for the record.

10 MR. ANTOLLINO: All right, I will get hard
11 copies before the trial is over. But for right now, you
12 can see Ray's deposition 2.

13 THE COURT: Those four exhibits are admitted.

14 Okay, go ahead.

15 (Plaintiff Exhibits Ray's 222, 223, 210 and 211
16 in evidence.)

17 BY MR. ANTOLLINO:

18 Q You don't recognize any up happiness in Rosana's face
19 here, do you?

20 A No.

21 Q And behind her it is Don, correct?

22 A Should be.

23 Q Do you see a smile on her face, do you not?

24 A Yes.

25 Q Okay, she is about to get out of the plane.

Maynard - Direct/Mr. Antollino

571

1 Is that correct?

2 A They're moving towards the door.

3 Q Okay, now this is Ray's deposition 2.2.

4 Do you recognize Don and Rosana there, correct?

5 A Yes, I do.

6 Q And it looks like Rosana is having a fantastic time.

7 Does it not?

8 A She is smiling. I'm sure the adrenaline is flowing.

9 Q Well, she has just jumped out of a plane. How fast
10 does adrenaline take, in the second you get out of the
11 plane?

12 A It kicks in a few minutes before that, as you are
13 approaching the door.

14 Q So are you saying that that smile was involuntary?

15 A I'm not saying that at all.

16 MR. ZABELL: Objection, your Honor.

17 THE COURT: Sustained.

18 Q What was it about the adrenaline that caused her to
19 smile?

20 MR. ANTOLLINO: He brought it up, judge.

21 MR. ZABELL: Objection.

22 THE COURT: Sustained.

23 Q But you would agree, adrenaline or not she looks
24 happy here, correct?

25 A Yes, she looks happy.

Maynard - Direct/Mr. Antollino

572

1 Q Okay, and I'm going to show you Ray's 2.3. This
2 shows that she is happy. You can see the smile on her
3 face, correct?

4 A Yes.

5 Q Okay, and I'm going to show you Ray's deposition
6 2.10.

7 Here is David Kengle. He appears to be happy.
8 Is that correct?

9 A He looks a little scared but I'm sure he is happy
10 too.

11 Q He is not being instructed by Don Zarda.

12 Is that right?

13 A No, that is not Don Zarda.

14 Q That's Duncan Shaw behind him. Is that correct?

15 A That is Duncan, yes.

16 Q Now I want you to assume that the person is given an
17 opportunity to be informed about skydiving and its
18 inherently unpredictable nature.

19 MR. ZABELL: I'm going to object to being
20 instructed about.

21 THE COURT: Well, let me hear the question.

22 Go ahead. What is the question?

23 BY MR. ANTOLLINO:

24 Q If a person chooses to go on a tandem skydive and
25 later complains that she was closely attached to the

Maynard - Direct/Mr. Antollino

instructor, it would not be a reasonable complaint, would it?

3 MR. ZABELL: Objection.

4 THE COURT: Yes, sustained to the form.

5 BY MR. ANTOLLINO:

6 Q Would it be a reasonable complaint for someone who
7 has been explained the entire process of skydiving to say
8 that I was attached to someone during that entire jump?

9 MR. ZABELL: Objection.

10 THE COURT: No, go ahead.

11 We're not talking about reasonableness under the
12 law. I think the jury understands that he is --

13 MR. ANTOLLINO: Yes.

14 MR. ZABELL: I'm just going to object based on
15 relevance. We have this all in his testimony as to what
16 she complained about. That wasn't what she complained
17 about.

THE COURT: I'm going to allow it in. Okay.

19 MR. ANTOLLINO: If the court reporter could read
20 it back.

21 (The testimony was read back.)

22 A That wouldn't be a can complaint.

Q That would be an illegitimate complaint, correct?

24 A Yes .

25 Q Now if a person chooses to skydive and then is

Maynard - Direct/Mr. Antollino

574

1 complaining that the person was adjusting straps around
2 her body and she felt uncomfortable, that would not be a
3 legitimate complaint either, would it?

4 A If it was not -- one more time, please?

5 Q Could you read it back?

6 MR. ZABELL: Please.

7 (The last question was read back.)

8 A No. That would mean explaining that, this is what's
9 going to go on.

10 Q Everyone is explained in the video, and in the
11 release, correct?

12 A Yes.

13 Q You don't want to rely on the instructor's
14 instruction ad hoc before you get on the airplane, do you?

15 A No. That is why we have the video and the waiver.

16 Q It's very important for the person to watch the
17 entire video, correct?

18 MR. ZABELL: Objection.

19 THE COURT: Yes.

20 Q I don't know if I asked this question.

21 You would not want one person to explain the
22 waiver to another, would you?

MR. ZABELL : Objection.

24 | THE COURT: We did that already.

25 MR ANTOINETTE: We did?

Maynard - Direct/Mr. Antollino

575

1 THE COURT: Yes, the waiver many times.

2 MR. ANTOLLINO: I understand that, but that
3 well --

4 BY MR. ANTOLLINO:

5 Q I don't know if I asked this.

6 You don't want the waiver read at the same time
7 the video is playing, correct?

8 MR. ZABELL: Objection.

9 THE COURT: You asked that question.

10 Q Now there are four points of attachment in the tandem
11 suit built for two, correct?

12 A Are you referring to the harness?

13 Q The harness, four points of attachment?

14 A That's correct.

15 Q And in those four points of attachment, there are 12
16 points of a adjustment, correct?

17 A That's correct.

18 Q So you're going to attach the student to the
19 instructor and there are 12 little straps they have to
20 adjust to make sure that the students is safe, correct?

21 MR. ZABELL: Objection, asked and answered and
22 relevance.

23 THE COURT: I'll allow him to go through the
24 basics of what the strapping entailed, okay?

25 Go ahead. You can answer.

Maynard - Direct/Mr. Antollino

576

1 A No, you're wrong.

2 Q All right, could you explain what those 12 points of
3 adjustment are for?

4 A Can I tell you how it really goes?

5 Q Well, I'm basing this on your deposition.

6 A Okay, there are 12 points of adjustment on a harness.
7 Most of our harnesses are pre-adjusted to people in
8 general. So when the harnesses are put on the students by
9 the person that is dressing them, which is not the
10 instructor, that is where most of all harness adjustments
11 are made.

12 The instructor does not do very much adjusting
13 of the harness at all, maybe one or two places. And that
14 is because everything is done on the ground, because we
15 never expect this to be done in the airplane by the
16 instructor.

17 So we have people on the ground that dress them,
18 as we say in the harness. And that is who does all of the
19 adjustments on the passengers, on the passenger's harness,
20 not the instructor.

21 Q So you say special dressers, quote-unquote, that come
22 out and put on the harnesses?

23 A That's correct.

24 Q And the dressers attach the instructor to the
25 students?

Maynard - Direct/Mr. Antollino

577

1 A No. The dressers put the harness on the student.
2 They make all of those adjustments, probably 10 or 15
3 minutes before they get on the airplane. They make sure
4 that all of those adjustments are correct.

5 When they're introduced to their instructor, the
6 instructor may make one or two small adjustments for the
7 way they want that harness to sit on them when they put
8 the four points of attachment to the tandem master.

9 Q So the instructor has to make adjustments so that the
10 tandem harness fits him, correct?

11 A That is not what I said. The tandem master makes
12 adjustments, very few things on that passenger harness, so
13 that his height where his attachment is. So they may move
14 up the harness a little bit because of the different sizes
15 and how it;s going to be attached to the tandem master.

16 Q But they need to be adjusted?

17 A Very, very little.

18 THE COURT: Let him finish the question.

19 BY MR. ANTOLLINO:

20 Q They need to be adjusted by the instructor, correct?

21 A Yes.

22 Q Okay, they need to be a adjusted for the safety and
23 the comfort of the passenger, correct?

24 A You're correct.

25 Q All right, so when the dresser comes out and puts it

Maynard - Direct/Mr. Antollino

578

on the students, the instructor has to go through a second adjustment to make sure that he is comfortable and the student is comfortable, correct?

4 A Not necessarily. If the dresser has adjusted the
5 harness to the way that particular instructor normally
6 does it, then there are no adjustments that have to be
7 made.

8 Q And if the dresser does not make the adjustment as
9 the instructor wants it, the instructor has to make
10 adjustments himself, correct?

11 | A That's correct.

12 Q And you would agree that safety is more important
13 than comfort, correct?

14 MR. ZABELL: Objection.

15 THE COURT: I'll allow it. You can answer.

16 A Yes.

17 Q Two of the attachments of the four we talked about
18 are at the hip, correct?

19 A That's correct.

20 Q So adjustments at the hips may be necessary depending
21 on the situation, correct?

22 A I disagree with what you're trying to get me to say.

23 They are, if you're in the airplane and you
24 already have your harness on, and it has already been
25 adjusted, the attaching points at the hip, that's not

Maynard - Direct/Mr. Antollino

1 adjustment that is made on the passenger harness. It's
2 made from the tandem master.

579

3 Q It's made from the tandem master?

4 A That's correct.

5 Q That's correct at the hips, correct?

6 A Correct.

7 Q Right.

8 Now, very often joking may be heard as men are
9 being strapped to one. We've heard many examples of that,
10 correct?

11 MR. ZABELL: Objection.

12 THE COURT: Sustain to the form.

13 BY MR. ANTOLLINO:

14 Q There are often jokes made at the Drop Zone about men
15 being strapped to women, or men being strapped to men,
16 correct?

17 A That's correct.

18 Q And this is in order to keep them calm and let them
19 know that they're going to make a skydive, correct?

20 A Correct.

21 Q And the joking occurs in the rig -- by the way, what
22 is the rig?

23 A That's the harness we were just talking about.

24 Q You want to make a joke to loosen the tension,
25 correct?

Maynard - Direct/Mr. Antollino

580

1 A Yes. But it's not something that is said, every
2 jump, every time, every where. Sometimes that is said.

3 Q Sometimes that's said.

4 You have never fired someone for making a
5 statement or a joke like that, correct?

6 A No one has ever complained about the jokes.

7 Q Okay, and you're kidding?

8 A No, I'm not.

9 Q So the answer is no.

10 And you have never fired an instructor where a
11 passenger had an injury, correct?

12 A No.

13 Q Now touching and manipulating the straps is done in
14 the manner that the skydiver knows best, correct?

15 A There is a line that you can not cross regardless of
16 what you sign into that waiver. And the instructors know
17 the line, where it's inappropriate and it's appropriate.
18 Just because they sign the waiver, my instructors are not
19 going to do inappropriate touching.

20 Q Of course not. But in this case you didn't speak to
21 Rosana to find out where she was touched, did you?

22 MR. ZABELL: Objection asked and answered.

23 THE COURT: Sustained.

24 BY MR. ANTOLLINO:

25 Q Could you answer the question? A skydiver has to use

Maynard - Direct/Mr. Antollino

581

1 his best judgment to know how to adjust the straps?

2 MR. ZABELL: Objection. Asked and answered.

3 THE COURT: He answered that question. Next
4 question.

5 BY MR. ANTOLLINO:

6 Q Now you had a Skydive Long Island Facebook page,
7 correct?

8 A Yes, we do.

9 Q It was set up for your business, correct?

10 A That's correct.

11 Q All you have to do is like it in order to join,
12 correct?

13 A There are actually two, there are actually two pages
14 for Skydive Long Island on Facebook. In order to get a
15 business page you must have a page first for that. And
16 when you go to the one that you go to normally, or when --
17 the page that our jumpers, experienced jumpers and staff
18 go to all the time is Skydive LI.

19 And for you to get on that you, you have to like
20 that page, and then you can go there. And then from that
21 page you can go to the business page.

22 The business page is out there for new customers
23 that are coming in, the tandem people. And it's not
24 usually the general public that will go to the business
25 page. That's where the general public goes, is to the

Maynard - Direct/Mr. Antollino

582

1 business page, not to SDLI, which is almost like a
2 personal page where people post what they have been doing
3 and the jumps they have been liking. And people get to
4 comment if they like it and what else is going on in their
5 life.

6 Q So you never agreed to allow me for example to become
7 part of this personal Skydive Long Island page, did you?

8 MR. ZABELL: Objection.

9 THE COURT: Yes. Sustained as to form.

10 BY MR. ANTOLLINO:

11 Q Now I'm going to show you --

12 THE COURT: This is the one we discussed this
13 morning?

14 MR. ANTOLLINO: The one we discussed before.

15 THE COURT: What number is it?

16 MR. ANTOLLINO: This is, we'll just say this is
17 7 B. This is part of 7 that you narrowed down to two
18 documents. And we'll call this collectively 7 B.

19 THE COURT: In evidence?

20 MR. ANTOLLINO: Yes.

21 THE COURT: 7 B is admitted.

22 (Plaintiff Exhibit 7 B in evidence.)

23 BY MR. ANTOLLINO:

24 Q Now on the business page you presented a picture of
25 yourself and your then girlfriend. Isn't that correct?

Maynard - Direct/Mr. Antollino

583

1 A That's correct.

2 Q And in your business page you made a comment about
3 your girlfriend and your ex-wife.

4 Isn't that correct?

5 A That is not the business page.

6 Q But it is the -- it is you --

7 A That is not the business page.

8 Q Wait a minute. This is the business page, right?

9 A I don't believe so. I don't do the posting on this.

10 Q Well what about this then?

11 Thanks everyone.

12 Do you see that portion, can you read it?

13 A Yes. And that is not the business page.

14 Q But this is connected to this. You said you didn't
15 know if this was the business page and you described the
16 Skydive Long Island as being the business page, and there
17 are all sorts of comments that follow it, correct?

18 MR. ZABELL: I object to the form. And I object
19 to the representation that this is linked to this.

20 There has been no testimony to that.

21 THE COURT: Sustained.

22 Disregard that.

23 He's trying to describe that and an attorney
24 can't testify.

25 You have to just ask questions.

Maynard - Direct/Mr. Antollino

584

1 BY MR. ANTOLLINO:

2 Q This was public information that people in any office
3 were able to get off Skydive Long Island.

4 So would it be fair to say that this is
5 information pertaining to your business that anyone in the
6 world can access from their computers?

7 MR. ZABELL: Objection to the form.

8 THE COURT: Yes, sustained.

9 The jury will disregard.

10 Just Mr. Antollino, I'm asking you again just to
11 ask some questions without -- any witness's testimony.

12 BY MR. ANTOLLINO:

13 Q This is what anyone in the world is able to get from
14 your Internet by going to this particular page and liking
15 it.

16 Isn't that true?

17 MR. ZABELL: Objection.

18 THE COURT: No. It's okay if he knows the
19 answer to the question.

20 Can anyone access this?

21 A At that time people working in the office were
22 letting anybody like that page and go there.

23 Q Okay, and you believe that the first picture of you
24 and your girlfriend, that personal information, it shows
25 you and your girlfriend having fun, correct?

Maynard - Direct/Mr. Antollino

585

1 A On my birthday, yes.

2 Q And personal information, correct?

3 A Can you define personal information?

4 Q What do you believe personal information to be?

5 A Personal information could be maybe many things.

6 Q Okay, it would include your birthday and your
7 birthday with your girlfriend, correct?

8 A Yes.

9 Q So that's personal information, correct?

10 A Yes.

11 Q All right. And then this next page, where you make a
12 long comment that says -- can you read where I'm pointing?
13 Thanks everyone. Can you read that aloud?

14 A Thanks everyone. Unfortunately my pathetic ex will
15 not leave us alone and continues to try to disrupt our
16 lives. Like dancing as close as she can get to me at
17 Dockers last Tuesday night. Well that did not work.
18 Barbara and I could not be happier. As a matter of fact
19 this Wednesday, 6/29 -- and this was a typo -- it should
20 have been 6/29/2011 will be the first of many
21 anniversaries we will share. That's the first night we
22 met and I we've never been happier.

23 Q Congratulations.

24 That's personal information? Is it not?

25 A Yes.

Maynard - Direct/Mr. Antollino

1 Q Okay. Now you were, you received some complaints on
2 the Internet, correct?

586

3 MR. ZABELL: Objection.

4 THE COURT: What is the objection?

5 MR. ZABELL: Relevance.

6 THE COURT: No, I'll allow it.

7 BY MR. ANTOLLINO:

8 Q One person complained that the weight --

9 MR. ZABELL: Objection.

10 THE COURT: Why don't you approach.

11 (Continued on the following page.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

587

1 (The following occurred at sidebar.)

2 MR. ANTOLLINO: I'm just going to get into a
3 couple of complaints and whether they're legitimate and
4 what his reaction to them would be. That's all.

5 THE COURT: What is your objection?

6 MR. ZABELL: My objection at that point was, he
7 is reading in the complaint without introducing it into
8 evidence. If he was introducing it into evidence, I would
9 object to the relevance. But you have already ruled on
10 that.

11 THE COURT: So do you want to introduce the
12 complaints in your question?

13 MR. ANTOLLINO: Well, we would you rather,
14 judge?

15 MR. ZABELL: My preference is to neither if I'm
16 going to be asked.

17 THE COURT: Well he is questioning your client
18 about complaints, and what he did and did not do.

19 MR. ZABELL: I think it would be to ask him if
20 he recalls and if he doesn't recall show him the document
21 to refresh your recollection. But just identify it for
22 us.

23 (Continued on the following page.)

24

25

Maynard - Direct/Mr. Antollino

588

1 | (The following occurred in open court.)

2 MR. ANTOLLINO: All right, can you read the last
3 question back?

4 (The testimony was read back.)

5 BY MR. ANTOLLINO:

6 Q One person complained that the wait was interminable,
7 correct?

8 A We tell people when they make the reservation that
9 they should expect --

10 THE COURT: First, do you recall a complaint
11 that he is claiming?

12 Q Would you like to see your deposition to refresh your
13 recollection?

14 A Sure.

15 Q Turn to page 62 line 21.

16 | A What line now?

17 | Q 21?

18 A Yes.

19 Q All right, so do you recall that there was a
20 complaint on the Internet that the weight was
21 interminable. But you believe that was an unfair
22 complaint because there is any number of factors that
23 could affect the wait for someone who goes to skydive on
24 Long Island, correct?

25 A That's correct.

Maynard - Direct/Mr. Antollino

589

1 Q And there was also another complaint where someone
2 said that the ladies in the office were rude, correct?

3 A I heard about that.

4 Q And that is only one side of the story, correct?

5 A That's the one side of the story.

6 Q And you would have to investigate to make sure that
7 it's true, correct?

8 A Correct.

9 Q You can only find the truth by investigating,
10 correct?

11 A Correct.

12 Q Now you testified before you believe that Don made a
13 creepy face in the video, correct?

14 A Correct.

15 Q But you did not fire Don for making that creepy face,
16 did you?

17 A Nope.

18 Q Now in 2001 apparently there were some ladies that
19 were crying about Don.

20 Do you recall that?

21 MR. ZABELL: Objection.

22 THE COURT: What is your objection?

23 MR. ZABELL: It assumes facts not in evidence.

24 THE COURT: I guess he's asking him whether or
25 not he heard that.

Maynard - Direct/Mr. Antollino

590

1 MR. ANTOLLINO: That is correct.

2 THE COURT: Overruled. You can answer that.

3 BY MR. ANTOLLINO:

4 Q Is that right?

5 A Yes.

6 Q And that's why you fired him, correct?

7 A There were a little bit more than two complaints.

8 There were a few weeks a part.

9 Q He said he was gay to these women, correct?

10 A Under canopy when there is no one else around, these
11 women told me that he was telling them that he recently
12 came out and was talking about homosexual sex.

13 And the first time it happened I had a
14 conversation with Don. Don told me he was gay when I
15 hired him. I have no problem with what other people do.
16 And I said, but keep it to yourself and nobody -- you
17 should doing your job talking about what skydiving is
18 about and nothing else.

19 And it happened. So I talked to him the first
20 time. A few weeks later it happened again. The woman
21 wasn't really crying, crying. She was on the verge of
22 tears. And I told him he had to go.

23 Q All right. I want you to take a look at your
24 deposition, page 139, line 22. Do you see that?

25 A Yes.

Maynard - Direct/Mr. Antollino

591

1 Q Question: And what was it that Don said that made
2 these women cry?

3 Answer: Him talking about being gay.

4 Question: Anything else?

5 Answer: No.

6 Were you asked those questions and did you give
7 those answers.

8 A Yes, I did.

9 Q And you said nothing about homosexual activity, did
10 you, at your sworn deposition, correct?

11 A In my answer on line 24 there, that's what he was
12 talking about when I said he was talking about being gay.

13 Q And you said, and it has nothing to do with sex. It
14 had simply to do with being gay, correct?

15 A No.

16 MR. ZABELL: Objection.

17 THE COURT: What's that?

18 MR. ZABELL: He is trying to impeach his own
19 witness. And asked and answered.

20 THE COURT: Overruled.

21 I didn't hear your answer.

22 A I said that in that 24 when he said that he was gay,
23 I was talking about that those women were saying those
24 other things. I didn't say them, all of his words in that
25 deposition.

Maynard - Direct/Mr. Antollino

592

1 Q So to you being gay is the same thing as talking
2 about sex, sex?

3 A This has nothing to do with that. Don was fired
4 because the customers complained. And my business is
5 built on customer service. And if people go out and
6 they're not happy, then word of mouth is not going to
7 happen.

8 If a customer complains, it wouldn't matter what
9 they complained about.

10 Q It wouldn't matter what they complained about, so --

11 A If it was a valid complaint.

12 Q So a valid complaint was simply that Don said he was
13 gay, correct?

14 MR. ZABELL: Objection.

15 MR. ANTOLLINO: I just want to clarify.

16 Q The only complaint was that he was gay, right?

17 MR. ZABELL: Same objection.

18 THE COURT: You already asked that question.

19 Q You did not, even then you did not tell him not to
20 tell customers that he is gay, correct?

21 A I did not tell him not to tell people that they were
22 gay. He should be treating people and not making people
23 upset.

24 Q I want you to take a look at your deposition on page
25 140, line 3.

Maynard - Direct/Mr. Antollino

593

1 Question: All right, but yet even then you
2 didn't tell him not to tell customers that he's gay,
3 correct?

4 Answer: Say that one more time?

5 MR. ZABELL: Your Honor. I'm going to object.

6 He is trying to impeach him with a consistent statement in
7 his deposition.

8 MR. ANTOLLINO: Well that is up to the jury to
9 decide whether it's consistent.

10 THE COURT: The jury will hear both sides if
11 permitted. If the lawyers think that the witness says
12 something inconsistent in a deposition, they're permitted
13 to read that portion of the deposition.

14 Whether or not it is inconsistent or not, and if
15 it is inconsistent how much weight to give to the
16 inconsistency is up to the jury to decide. That is up to
17 the jury to decide. Okay?

18 So go ahead. You can finish reading what you're
19 reading.

20 BY MR. ANTOLLINO:

21 Q All right, but yet even then you didn't tell him not
22 to tell customers he's gay, correct?

23 Answer: I didn't tell him not to tell them.

24 Were you asked that question and did you give
25 that answer.

Maynard - Direct/Mr. Antollino

594

1 A Right.

2 Q Okay, and you don't have any documentation whatsoever
3 about these complaints, correct?

4 A They complained directly to me, and I'm sworn under
5 oath, and I told the truth.

6 No, I don't have, I do not have documentation.

7 Q Okay, thank you.

8 If you can just stick to the questions we'll get
9 through this more quickly.

10 MR. ZABELL: Objection.

11 THE COURT: Sustained.

12 The jury will disregard the statement.

13 I don't want any comments to the witness.

14 MR. ANTOLLINO: I apologize, judge, I'm trying
15 to move it along.

16 BY MR. ANTOLLINO:

17 Q All right, I'll ask the next question.

18 You have no records of any of these passengers
19 that complained about Don in 2001. Is that correct?

20 MR. ZABELL: Objection. Asked and answered.

21 THE COURT: Sustained. He said he has no
22 documentation.

23 BY MR. ANTOLLINO:

24 Q Now there are various levels of discipline at this
25 Drop Zone that you can use against your employees,

Maynard - Direct/Mr. Antollino

595

1 correct?

2 A Yes.

3 Q And in Don's case you used the most severe form of
4 discipline which was ultimately termination, correct?

5 A For very serious complaints from my customers, yes.

6 Q And below that there is also a suspension which you
7 also did to Don Zarda, correct?

8 A Yes.

9 Q And there is also a reprimand that you can give to an
10 employee. That is below suspension, correct?

11 A Yes.

12 Q And there is also counseling and retraining that is
13 some other type of corrective training that would address
14 a customer complaint, correct?

15 A Are you asking me if I did counseling? No.

16 Q Now I know you didn't do counseling. But you can do
17 counseling, correct?

18 A I'm not trained in counseling.

19 Q Well, when I say counseling, I mean counseling
20 someone as to how to deal with your customers in the
21 workplace, correct?

22 A Correct.

23 Q Now there were employees other than Don that told
24 your customers about Don's sexual orientation.

25 Is that not true?

Maynard - Direct/Mr. Antollino

596

1 A Don told most people he, that he was gay.

2 Q All right, I understand that. But I am asking you
3 this.

4 There were employees other than Don who told
5 customers about Don's sexual orientation. Yes or no?

6 A No.

7 Q Okay. That is not true.

8 Why don't you take a look at --

9 MR. ZABELL: Objection.

10 THE COURT: He asked the question. Go ahead.

11 BY MR. ANTOLLINO:

12 Q Why don't you look at 125. You were looking at an
13 e-mail. And it says --

14 THE COURT: Hold on.

15 MR. ANTOLLINO: I'm sorry, 125 line 12.

16 BY MR. ANTOLLINO:

17 Q Were you asked these questions and did you give these
18 answers ?

19 Question: It says in an e-mail that the
20 instructors who went up in the tandem were telling the gay
21 guys about the gay skydiver. Do you see that?

22 Answer: Yes.

23 Question: Was that appropriate for them to do?

24 Answer: I can't answer that. I don't know who
25 started what or what said what. I don't even know. I

Maynard - Direct/Mr. Antollino

597

1 don't even know that.

2 Question: Well, what?

3 Answer: If this is true.

4 Question: We're just assuming that it's true,
5 hypothetically.

6 Question: You're assuming it's true that your
7 skydivers mentioned Don's sexuality. Was that
8 inappropriate?

9 Answer: It would depend on what's being said.

10 Question: It's personal information, isn't it?

11 Answer: I guess so.

12 MR. ZABELL: Your Honor I'm going to object to
13 the entire reading and move that it be struck.

14 THE COURT: Sustained.

15 The jury will disregard that.

16 BY MR. ANTOLLINO:

17 Q Now, if your coworkers or Don's coworkers told others
18 about being gay, that would be personal information about
19 Don that they were giving to the customers, correct?

20 MR. ZABELL: Objection, hypothetical.

21 THE COURT: Sustained.

22 BY MR. ANTOLLINO:

23 Q There were employees other than Don -- withdrawn.

24 Now I'm going to --

25 MR. ANTOLLINO: Now you're not going to allow me

Maynard - Direct/Mr. Antollino

598

1 to ask any hypothetical questions?

2 THE COURT: No.

3 BY MR. ANTOLLINO:

4 Q Now there was an incident that you're aware of where
5 a large-busted woman was caught on videotape.

6 Is that correct?

7 A Over the years there has been more than one, a lot of
8 people.

9 Q And the instructors, your male instructors rushed
10 into the video room to see her falling and in free fall,
11 correct?

12 A I don't believe that my instructors or video guys
13 were rushing to the room to see what you're talking about.

14 Q Well why don't you take a look at 133?

15 MR. ZABELL: Your Honor, I'm going to object to
16 this line of questioning on relevance.

17 THE COURT: Sustained.

18 BY MR. ANTOLLINO:

19 Q Now at some point in 2001 you found out that Don was
20 gay, correct?

21 A He told me right away. Or actually Curt Kellinger
22 told my he was gay. And when I talked to Don, that was
23 one of the first things he told me. And I said it don't
24 bother me. My sister was gay. I have nothing, you know,
25 it doesn't matter. I was told that you were a good

Maynard - Direct/Mr. Antollino

599

1 instructor and you had much experience, and I had an
2 opening on Long Island for you.

3 Q And when you found that out, did you not inform him
4 not to reveal his sexual orientation to passengers.

5 Is that correct?

6 MR. ZABELL: Objection to the form of the
7 question.

8 THE COURT: Yes. Sustained to the form.

9 BY MR. ANTOLLINO:

10 Q Did you tell Don at that time not to inform any of
11 your customers of his sexual or orientation, yes or no?

12 A Yes.

13 Q Okay, take a look at page 136 line 2.

14 Question: Did you tell him not to reveal his
15 sexual orientation to anyone else?

16 Answer: No.

17 Were you asked that question and did you give
18 that answer.

19 A It's in there. I guess I did.

20 Q And you believed that Don was a good instructor,
21 correct?

22 A Yes, I do.

23 Q And he was a safe instructor, correct?

24 A Correct.

25 Q You even testified at the deposition you thought he

Maynard - Direct/Mr. Antollino

600

1 was a good guy?

2 A I said I did.

3 Q At one point in 2009 Don had an accident where he was
4 injured.

5 Is that right?

6 A That's right.

7 Q You saw the tape of that accident, correct, or the
8 tape that led to that accident, right?

9 A I don't remember if I saw that or not.

10 Q Well take a look at your deposition page 151. I'm
11 sorry, page 150, line 21.

12 Do you remember if you did anything improper in
13 that jump that caused his injury?

14 Answer: No.

15 Were you asked that question and did you give
16 that answer.

17 MR. ZABELL: I'm going to ask that the question
18 before that be read which most closely matches the
19 question that was previously asked, beginning at line 17,
20 asking, Did you see the video of the jump?

21 MR. ANTOLLINO: If he would like to read it,
22 judge, he is free to.

23 THE COURT: Well, then we'll do it twice. For
24 more completeness he wants another portion for the
25 evidence so you can go back.

Maynard - Direct/Mr. Antollino

1 MR. ANTOLLINO: So you want me to start at line,
2 at the top and go through all the way?

3 MR. ZABELL: Line 17.

4 BY MR. ANTOLLINO:

5 Q Did you see the video of the jump in which he
6 suffered an injury?

7 Answer: I probably did but I don't remember it.

8 Question: Do you remember if he did anything
9 improper in that jump that caused his injury?

10 Answer: No.

11 Question: Did it in fact just look like a
12 regular old jump?

13 Page 151, Line 13?

14 | Yeah, I'm not sure.

15 Were you asked those questions and did you give
16 those answers?

17 MR. ZABELL: I'm going to object. He is
18 answering yeah. I'm not sure, in response to the
19 colloquy.

20 MR. ANTOLLINO: I'll clarify that, judge. I'll
21 clarify.

THE COURT: You can clarify.

23 MR. ANTOLLINO: I would clarify the facts to the
24 best of his recollection.

25 MR. ZABELL: No, your Honor, page 151 is in.

Maynard - Direct/Mr. Antollino

602

1 There is a response in colloquy not a response to the
2 question.

3 MR. ANTOLLINO: I skipped the colloquy, judge.

4 THE COURT: What page is it?

5 MR. ANTOLLINO: 151.

6 MR. ZABELL: And there is another question
7 before that line 4 on page 151.

8 THE COURT: Why don't you come up.

9 (Continued on the following page.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

603

1 (The following occurred at sidebar.)

2 THE COURT: Read those two together, okay?

3 MR. ANTOLLINO: Okay.

4 MR. ZABELL: Thank you.

5 (Continued on the following page.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

604

1 (The following occurred in open court.)

2 | BY MR. ANTOLLINO:

3 Q On line 4.

4 Question: All right, that would not have
5 resulted in any injury.

6 | And then line 10, you can answer.

7 | And you answered: Yeah. I'm not sure.

8 Were asked this -- this is on page 151, line 4.

9 Did you follow me?

10 A Yes.

11 Q All right, that would not have resulted in an injury.

12 Question: You may answer.

13 | Answer: Yeah, I'm not sure.

14 And then turn to page 152, you say: It looked
15 like a normal skydive.

16 Question: It did not look like Don did anything
17 negligent, correct?

18 Answer: No.

19 Were you asked those questions and did you give
20 those answers.

21 A Yes .

22 Q And you testified to the best of the ability of your
23 memory at the time?

24 A Yes.

25 Q And that is the best of your recollection at this

Maynard - Direct/Mr. Antollino

1 time?

605

2 A Yes.

3 Q All right now we heard a lot about Workers'
4 Compensation insurance in this case from your side. You
5 were aware that after --

6 MR. ZABELL: Objection.

7 THE COURT: Sustained. Just ask the question.

8 Q You were aware that Don applied for Workers'
9 Compensation insurance, correct?

10 A Yes.

11 Q And you know that it is the right of every employee
12 to apply for Workers' Compensation if they are injured on
13 the job, correct?

14 MR. ZABELL: Objection.

15 THE COURT: No, I'll allow that. Go ahead.

16 You can answer.

17 A Yes.

18 Q You are aware that you can not discriminate against
19 an employee for utilizing Workers' Compensation, correct?

20 A I'm not sure what you mean by neutralizing.

21 Q I'm sorry you're not sure what?

22 A I'm not sure what you mean by neutralizing.

23 Q I didn't use the word neutralizing.

24 A I'm sorry.

25 Q You are aware that you can not discriminate against

Maynard - Direct/Mr. Antollino

606

1 an employee for utilizing Workers' Compensation insurance,
2 correct?

3 | A Correct.

4 Q You know it is against the law to fire an employee
5 because they use Workers' Compensation, correct?

6 MR. ZABELL: Objection.

7 THE COURT: I'll allow the question. But there
8 is no claim in this case for termination, unlawful
9 termination because of filing of a Workers' Compensation
10 claim. It is based upon sexual orientation. But I'll
11 with allow him to answer that question. Go ahead.

12 A Yes.

13 Q And you did not fire Don because he filed for
14 Workers' Compensation or anything related thereto,
15 correct?

16 A Correct

17 Q Now after Don get injured, there was a mandatory
18 staff meeting at the Drop Zone.

19 Is that correct?

20 A Yes, there was.

21 Q And you believe that Don went to that meeting,
22 correct?

23 A Don was not an employee at that point because he was
24 out on Workers' Comp and he was hurt.

25 Q He was sent a letter saying there was a mandatory

Maynard - Direct/Mr. Antollino

1 meeting.

607

2 Is that correct?

3 A No.

4 Q How do you know that?

5 A Because we don't send letters for meetings.

6 Q Don did appear at that meeting though, did he not?

7 A He inadvertently was still on the employee e-mail
8 list that I don't control, and it was a mistake made by
9 the office.

10 Q So he followed what instruction was given not knowing
11 that there was an inadvertence on your end.

12 Is that fair to say?

13 MR. ZABELL: Objection.

14 A No.

15 Q So there was an inadvertence on your end, and you
16 sent Don an e-mail to come to a mandatory meeting,
17 correct?

18 A Employee mandatory meeting. He was no longer an
19 employee and he knew that.

20 Q How do you know that he knew that?

21 A Because he was no longer working for me.

22 Q His intention was to get back into skydiving as soon
23 as possible.

24 Isn't that correct?

25 A Yeah.

Maynard - Direct/Mr. Antollino

He had a cast on his leg and he was in crutches.

2 He knew he could not get back to work for many months.

3 And there was no reason for him to be at my website in a
4 cast on crutches for my customers to now have a little
5 more fear that, that not coming there. And that is my
6 answer.

7 Q Okay. He did not know when his cast would be taken
8 off. did he?

9 MR. ZABELL: Objection.

10 THE COURT: Sustained to the form.

11 BY MR. ANTOLLINO:

12 Q Were you aware that Don knew when his cast was going
13 to be taken off?

14 A It was a recent injury. I had broken my ankle and it
15 was a minimum of six weeks.

16 Q Okay.

17 A No. I did not know when he was going to get it off.
18 Sorry.

19 Q I'm sorry, what was that?

20 A No, I do not, I did not know when his cast was
21 coming off, to answer your question.

22 Q You did not know when had the cast was coming off,
23 correct?

24 MR. ZABELL: Objection.

25 | THE COURT: Sustained to form.

Maynard - Direct/Mr. Antollino

609

1

2 BY MR. ANTOLLINO:

3 Q As far as you know --

4 MR. ZABELL: Objection.

5 THE COURT: I'll let him finish.

6 Did you have a conversation with Mr. Zarda about
7 when his cast was coming off?

8 THE WITNESS: No, I did not.

9 BY MR. ANTOLLINO:

10 Q He essentially came out saying that he was hoping to
11 get back to work as soon as possible. Did he not?

12 A Yes.

13 Q Now 2/21/2010 the office received a call from David
14 Kengle, correct?

15 A Correct.

16 Q Kengle had taken a tandem jump a few days earlier on
17 6/18/2010, correct?

18 A Correct.

19 Q That was three days before his call, correct?

20 A Correct.

21 Q You're open during the weekend, correct?

22 A Yes, we are.

23 Q So he could have called Friday to complain, he could
24 have called Saturday to complain, he could have called
25 Sunday and complained.

Maynard - Direct/Mr. Antollino

610

1 Is that correct?

2 MR. ZABELL: Objection.

3 THE COURT: Sustained.

4 BY MR. ANTOLLINO:

5 Q He did not complain for three days until after his
6 jump.

7 Is that a fair characterization?

8 MR. ZABELL: Objection. Asked and answered.

9 THE COURT: Sustained.

10 MR. ANTOLLINO: Is that sustained as to form?

11 THE COURT: No, asked and answered.

12 MR. ANTOLLINO: Asked and answered. All right.

13 BY MR. ANTOLLINO:

14 Q No one has the right to expect a perfect skydive, do
15 they?

16 MR. ZABELL: Objection.

17 THE COURT: Limit it.

18 Q There is nothing in Mr. Kengle's video that verified
19 his complaint about what his girlfriend told you, correct?

20 MR. ZABELL: Objection.

21 THE COURT: We've already gone through.

22 BY MR. ANTOLLINO:

23 Q So Kengle told you that his girlfriend said to him,
24 Don't worry that I'm so close because I'm gay, and that
25 made her feel uncomfortable?

Maynard - Direct/Mr. Antollino

611

1 MR. ZABELL: Objection.

2 THE COURT: That is okay. He can answer that.

3 A I believe that she was already feeling uncomfortable
4 because he was placing his hands on her hip and it
5 shouldn't have been there for that amount of time. And I
6 believe that is when she started feeling uncomfortable.

7 And after that was when Don said, Don't worry, I'm gay.

8 Q You did not ask Don anything about this particular
9 jump, did you?

10 A Yes, I did.

11 Q In fact, he asked you to see the video so he could
12 remind himself who you were talking about. Didn't he?

13 MR. ZABELL: Objection.

14 THE COURT: That's okay. You can answer that.

15 MR. ZABELL: Your Honor, my objection is only to
16 the portion of the question as to what he may use viewing
17 the videotape for, not that he didn't ask to see the
18 videotape.

19 THE COURT: Well, it could have been part of the
20 discussion. Overruled.

21 Do you remember the question?

22 A No, I did not show Don the video.

23 Q And he specifically asked for it because he wanted to
24 be able to understand what the complaint was, correct?

25 MR. ZABELL: Objection.

Maynard - Direct/Mr. Antollino

612

THE COURT: No, it's okay. Again, part of the discussion.

3 A That discussion did not happen at the initial
4 meeting. He never asked to see the videotape.

5 Q So it's only until the second meeting that he asked
6 to see the videotape?

7 A That's correct.

8 Q He didn't ask anything about the jump at the
9 suspension meeting?

10 A Yes, I asked him.

11 MR. ZABELL: Objection.

12 A Yes, I did ask him.

13 Q You did ask him.

14 And he told you, That's 30 jumps ago, I can't
15 remember who you're talking about. Didn't he?

16 A Yes, he did.

17 Q All right. It could be reasonable for someone who
18 had gone through three days of skydiving not to remember
19 one particular person that they had taken on a skydive
20 three days ago, correct?

21 MR. ZABELL: Objection.

THE COURT: That's argumentative.

23 MR. ANTOLLINO: What?

THE COURT: That's argumentative.

25 Q Do you believe it would be reasonable -- well,

Maynard - Direct/Mr. Antollino

613

1 withdrawn.

2 How many jumps can a person have on a good day?

3 Would it be fair to say up to 12?

4 A Yes.

5 Q So if Don jumped for three days, he would have had
6 approximately 30 to 36 jumps during the period of time
7 that Rosana took a jump and that you confronted him with
8 this allegation, correct?

9 MR. ZABELL: Objection.

10 THE COURT: You can answer that.

11 A Yes, 12 jumps on a good day, on weekends. On
12 weekdays, probably half of that.

13 Q Okay. So at least 24, correct?

14 A Correct.

15 Q So it would be kind of hard for someone to remember
16 exactly who had made a complaint when you confronted him
17 with this complaint three days later, even if it was over
18 a weekend, correct?

19 MR. ZABELL: Objection to the form.

20 THE COURT: Sustained as argumentative.

21 BY MR. ANTOLLINO:

22 Q There would have been 24 jumps, approximately, in
23 between Rosana's jump and your presenting him with this
24 accusation, correct?

25 MR. ZABELL: Objection. Asked and answered.

Maynard - Direct/Mr. Antollino

614

1 THE COURT: Sustained.

2 BY MR. ANTOLLINO:

3 Q Don did not know which of the 24 customers you were
4 talking about, did he?

5 A I described what happened on Friday. We do have
6 couples come out and celebrate birthdays and different
7 things. It does not happen all the time. This was the
8 only one in probably several weeks, the girl was
9 celebrating her birthday. I asked Don if he remembered
10 her and he said no. And I told him about everything that
11 Mr. -- her boyfriend testified to, told me.

12 First time I asked him, he said, I don't
13 remember the jump. And I described that it was her
14 birthday, who the girl was, who the guy was. And again,
15 he said, I have no recollection.

16 Q All right. And so that was all of the information
17 you gave. There was guy and a girl, the girl had a
18 birthday and you told the girl that you were gay, correct?

19 MR. ZABELL: Objection.

20 THE COURT: No, that is okay. You can answer
21 that.

22 A No. He told me that she felt that he was touching
23 her where he shouldn't have been, and not in a good way,
24 and she felt very uncomfortable. And not that he said
25 that he was gay. It was what he did and what he said

Maynard - Direct/Mr. Antollino

615

1 under canopy, made her very -- feel very, very
2 uncomfortable.

3 So part of my investigation of trying to find
4 out what happened is that when I got the phone call, I
5 called Don and asked him those questions. And he could
6 not -- he said he did not remember.

7 Q And you didn't do anything to help him remember, did
8 you?

9 A I needed to do -- I needed to go do some
10 investigation. And because of the history and this had
11 happened two times before, I had this exact conversation
12 with him twice before. And now here it is the third time
13 that I had to worry about my customers having complaints,
14 leaving my place being unhappy.

15 And my business is dependent on my customer
16 service of my employees when they leave there. So I did
17 not terminate that Monday because I was very angry. I
18 wanted to take some time. I wanted to look at the
19 videotape.

20 When I watched the videotape and what he said,
21 it really -- I actually agreed with what I saw.

22 Q You agreed that Don wanted to -- Don -- you knew that
23 Don was a gay male, correct?

24 A That is not what we're talking about.

25 Q You knew that Don was a gay male, correct?

Maynard - Direct/Mr. Antollino

616

1 A Yes.

2 Q All right. And this guy said that he didn't want his
3 girlfriend to hear that Don was a gay male, correct?

4 A That is not what he said, and that is not what I
5 said.

6 Q Didn't you hear him testify today that that is what
7 he told you?

8 MR. ZABELL: Objection.

9 THE COURT: Sustained.

10 The jury will disregard that.

11 Please don't refer to other people's testimony.

12 He is a fact witness. You ask him what he remembers and
13 the jury will hear what each witness remembers. You can't
14 be asking each witness to comment on what they remember
15 about another witness' testimony.

16 BY MR. ANTOLLINO:

17 Q All right.

18 So your recollection is that Mr. Kengle didn't
19 say anything about gay whatsoever?

20 A I didn't say that either.

21 Q Well --

22 A Listen to his testimony.

23 MR. ZABELL: Objection.

24 THE COURT: Sustained. The jury will disregard
25 that.

Maynard - Direct/Mr. Antollino

617

1 BY MR. ANTOLLINO:

2 Q Did he mention that Don Zarda said he was gay or he
3 did not mention that Don Zarda said he was gay?

4 MR. ZABELL: I'm going to object to the form of
5 the question.

6 THE COURT: When you say he, you're talking
7 about Mr. Kengle?

8 MR. ANTOLLINO: I just want find out what his
9 position is.

10 THE COURT: You can answer that.

11 A Yes, Mr. Kengle did say that Don told her he was gay.

12 Q But you also credited -- is it your testimony today
13 that you credited the allegation that Don Zarda improperly
14 touched Rosana Orellana?

15 A Yes.

16 Q All right. I want you to take a look at your
17 deposition on page 196. Take a look at line 19.

18 MR. ZABELL: Your Honor, I ask that the question
19 before that be read, the question and answer before that,
20 beginning on line 8.

21 THE COURT: Yes.

22 BY MR. ANTOLLINO:

23 Q All right.

24 Question: Did you think that Don was hitting on
25 her?

Maynard - Direct/Mr. Antollino

618

1 MR. ZABELL: Your Honor.

2 MR. ANTOLLINO: I haven't read the previous
3 questions because I'm focusing on this one which relates
4 to the question that I just asked him.

5 THE COURT: Okay, come up.

6 (Continued on the following page.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

619

1 (The following occurred at sidebar.)

2 MR. ANTOLLINO: I have asked that line 8 start
3 the question.

4 THE COURT: Where do you want to read from?

5 MR. ANTOLLINO: Just at 19 through 25.

6 THE COURT: You should read that part first,
7 okay?

8 MR. ANTOLLINO: Yes.

9 MR. ZABELL: Thank you, your Honor.

10 I would like a copy of the testimony. We have
11 an extra.

12 THE COURT: Yes.

13 (Continued on the following page.)

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

620

1 (The following occurred in open court.)

2 BY MR. ANTOLLINO:

3 Q All right. At line 8 you were asked, And what did
4 you discuss with Mr. Kengle on this 20 minutes or 30
5 minutes?

6 Answer: We discussed the complaint from the
7 gentleman about his girlfriend and then he made his
8 girlfriend feel very uncomfortable with the way he was
9 touching her on her legs, the way he was putting his head
10 on her shoulder and just the girl was very, very
11 uncomfortable for the entire jump and she even thought
12 that maybe he was hitting on her and he was covering up
13 this stuff by telling her he was gay.

14 Question: Did you think that Don was hitting on
15 her?

16 Answer: It doesn't matter what I think.

17 Were you asked those questions and did you give
18 those answers.

19 A Yes, I did.

20 Q Does it matter what you think?

21 A It matters what the actions were, not what I think.

22 Q But you were not there to see the actions, were you?

23 A No, I was not.

24 Q All right. And then were you further asked, I'm
25 asking you if you think that Don was hitting on her?

Maynard - Direct/Mr. Antollino

621

1 Answer: I couldn't say if I thought he was or
2 not.

3 Were you asked that question and did you give
4 that answer?

5 A Yes.

6 Q And I gave Mr. Kengle his money back solely on his
7 complaint, correct?

8 A Yes.

9 Q And you took that money away from Don Zarda and sent
10 him home suspended without pay for a week, correct?

11 A No.

12 Q How long was it?

13 MR. ZABELL: Objection.

14 THE COURT: No, it's okay. Go ahead, you can
15 answer.

16 A Those jumps were made on a Friday. The payroll goes
17 through to the next Saturday is when any jumps -- a week
18 goes from Monday to Sunday. So if you make a jump on
19 Friday, the 18th, you don't get paid on Saturday. Our
20 payday is Saturday. You don't get paid on Saturday, the
21 19th. The payroll goes to the following week and that's
22 how it has always been.

23 So when I told Don I was docking his pay, he
24 wasn't going to get paid until that following Saturday.
25 The next time I saw Don was on the Monday. And I had

Maynard - Direct/Mr. Antollino

1 talked -- and I had spoken with my attorney. And I know
2 that I shouldn't have told him I was going to dock his
3 pay. So he wouldn't have been paid on Saturday. He
4 didn't show up. He came on Monday. He got his check with
5 the docked money along with a second check for that, which
6 gave him a full amount of money so we're talking maybe a
7 day and-a-half.

8 Q Okay. So between Saturday and Sunday and Monday of
9 the following week he did not have that money in his hand?

10 A If he came in on Saturday and picked up his pay he
11 would have had it.

12 Q Well, you didn't ask him to come in on Saturday, did
13 you?

14 A I don't think I have asked anybody to come in and get
15 their payroll.

16 Q You suspended him from the drops zone, correct?

17 A I suspended him for a week. I didn't tell him he
18 couldn't come in and get his paycheck.

19 Q And you suspended him without pay, correct?

20 A I took the money from those two jumps out of his pay
21 during that week. I told the payroll service to do that.
22 Okay. And then that Saturday is when the checks are
23 issued. Before that happened, I wrote out a check for the
24 full amount of money so that when he came to get paid, he
25 would have had the full check in his hand. I would have

Maynard - Direct/Mr. Antollino

1 had that on the payday of Saturday if he came. He came in
2 on Monday and I gave him all his money. If he had come in
3 on Saturday, I would have gotten all his money.

623

4 From that jump on Friday, he would have never
5 gotten that money until the following Saturday because
6 that is how payroll works.

7 Q But he had no idea that you were going to give him
8 his money because you told him you were going to dock his
9 pay, correct?

10 A And I changed my mind and I wrote a check out for
11 him.

12 Q You changed your mind but you didn't tell Don that
13 you changed your mind, did you?

14 A I didn't call Don, Don didn't call me.

15 Q And you didn't tell Rich who was in contact with Don,
16 correct?

17 A Rich who?

18 Q Rich Winstock.

19 A What does he have to do with this?

20 Q Rich Winstock was your second in command, correct?

21 A Unofficially, probably.

22 Q He was in contact with Don during this period,
23 correct?

24 A I didn't know that.

25 Q You didn't talk to Rich about --

Maynard - Direct/Mr. Antollino

624

1 A I talked to Rich about it.

2 Q And Rich recommended of that you simply give him a
3 written reprimand and move on at that point, correct?

4 A Rich did not know Don's history from 2001 when this
5 happened two times before.

6 Q Did you explain that to him?

7 A Yes, I did.

8 Q All right. And he still recommended a written
9 reprimand, correct?

10 MR. ZABELL: Objection.

11 A No.

12 THE COURT: Overruled.

13 BY MR. ANTOLLINO:

14 Q You can answer.

15 THE COURT: He did answer. He said, no.

16 You said no?

17 A Yes.

18 Q Now, you understand that --

19 THE COURT: Let's just go ahead, so it's
20 quicker, I'm going to ask the court reporter read back the
21 question and answer again, okay?

22 (Question and answer read back.)

23 BY MR. ANTOLLINO:

24 Q What did he recommend at this point? Did he
25 recommend that you fire Don?

Maynard - Direct/Mr. Antollino

625

1 A There wasn't much more conversation about it.

2 Q So he didn't say anything?

3 A No, he did not.

4 Q And when you talked about these other two people, you
5 just said that he told them that he was gay, correct?

6 A He told two people he was gay?

7 Q Yes, in 2001.

8 A On a skydive, he upset two other women to the point
9 they were almost in tears talking about what he was doing
10 and he wasn't talking about the stuff on the job, yes.

11 Q When you say stuff he was doing, you're talking about
12 his being gay, correct?

13 A It wouldn't matter what my instructors are saying to
14 customers if they're not talking about what they're
15 supposed to be talking about. A skydive is not about him,
16 the skydive is about a skydive. So if any instructor puts
17 them before the job, they would be terminated if there is
18 a complaint.

19 Q So you would fire anyone if there was any complaint?

20 A Any complaint such as this.

21 Q But yet we've gone through the complaints that have
22 been online and you didn't fire anybody because of those,
23 correct?

24 A Who, what did they complain about?

25 Q They complained about the videographer, they

Maynard - Direct/Mr. Antollino

626

1 complained about the waiting area, they complained about
2 the wait. They complained about the prices on the
3 dropzone.com.

4 Isn't that correct?

5 A Those are things that happen inadvertently. I mean,
6 you have to wait all the time. Everybody is told that.
7 When you make a reservation, you're told, expect to be in
8 there for half the day. And if the weather changes or if
9 something else goes on, we doesn't have control over that.

10 Q But there were people complaining about the ladies in
11 the -- in the --

12 A It's a one-sided conversation. You have no idea what
13 they said to them.

14 Q I didn't finish asking the question.

15 There was someone who was asking and complaining
16 about the ladies in the office, I know you're busy but
17 please don't get frustrated with me, when after two
18 hours --

19 MR. ZABELL: Objection, judge.

20 THE COURT: Sustained.

21 BY MR. ANTOLLINO:

22 Q All right. May I hand this up to the witness? This
23 is plaintiff's can Exhibit 6. And ask if you recognize
24 this?

25 A There is not any truth in this whatsoever.

Maynard - Direct/Mr. Antollino

627

1 Q These are complaints about Skydive Long Island,
2 correct?

3 A Online with some lady that won't even give their
4 name. They're anonymous.

5 Q I just want to make it clear that these are
6 complaints about Skydive Long Island, correct?

7 MR. ZABELL: Objection, your Honor.

8 MR. ANTOLLINO: Just make it clear.

9 MR. ZABELL: They are not in evidence.

10 MR. ANTOLLINO: All right. I'll move them into
11 evidence, judge, Plaintiff's Exhibit 6.

12 MR. ZABELL: I object for lack of foundation.

13 THE COURT: Let's take a break, okay? The
14 afternoon break. Don't discuss the case.

15 (The jury left the courtroom.)

16 THE COURT: I don't notice if we had customers
17 earlier in the testimony. Are these the ones --

18 MR. ANTOLLINO: These are different.

19 THE COURT: They're anonymous?

20 MR. ANTOLLINO: No, they're not quite anonymous.

21 MR. ZABELL: Kevin W. from New York, New York on
22 October 26th.

23 THE COURT: What exhibit is this?

24 MR. ZABELL: Exhibit 6, Defendant Exhibit 6.

25 THE COURT: Plaintiff's.

Maynard - Direct/Mr. Antollino

628

1 MR. ZABELL: Plaintiff's, I'm sorry. A 2.

2 THE COURT: This is a question about the
3 deposition, these complaints.

4 MR. ZABELL: I don't believe he was aware of
5 them. There are complaints that occurred after the
6 incident in question, was October 26, 2010, the other is
7 September 11, 2011.

8 MR. ANTOLLINO: The question is what he would do
9 if there was complaint and he just testified as long as
10 there is a complaint, I would fire.

11 MR. ZABELL: That is not what he testified to.

12 THE COURT: That is not -- we have to break it
13 down. We were going okay for a while and we're starting
14 to break down, okay?

15 The question regarding these other complaints, I
16 think he was about to explain why he didn't act on these
17 complaints and I think that is fair game. Let him explain
18 for him to point out that other complaints were taken,
19 there was no adverse actions taken with respect to any
20 employees and obviously Mr. Maynard is free to explain,
21 assuming that he was aware of these, and why did he decide
22 to take no action, whether he did any investigation or
23 based upon nature of the complaint, he did not credit
24 them, whatever it is.

25 MR. ZABELL: I understand that. But shouldn't

Maynard - Direct/Mr. Antollino

629

1 they come in with a proper foundation, be admitted into
2 evidence and then be read in, instead of having --

3 THE COURT: Certainly before they're read out
4 loud they should come into evidence, but you say proper
5 foundation, yes. If he thinks this is off the website and
6 he reviewed them, he should bring that out first.

7 MR. ZABELL: This is not his business website.
8 This is Yelp review. Yelp is a public opinion website.

9 THE COURT: So I guess if it's not on his
10 website, then the method of authentication would be that
11 he was aware of these.

12 MR. ZABELL: Absolutely. But those questions
13 should be asked in the normal course.

14 THE COURT: Okay.

15 MR. ZABELL: It would be like asking your Honor
16 to comment on a comment that was written about you on The
17 Robing Room. Sometimes I'm sure you could read and figure
18 out who it was that said it, but you would have to ask
19 that foundation question.

20 THE COURT: All right. You have to ask him
21 whether he saw this. I didn't realize it was on Yelp.
22 You have to ask him whether he saw it.

23 MR. ANTOLLINO: He saw it in his deposition.

24 THE COURT: Then if you had seen this, what
25 would you have done, so...

Maynard - Direct/Mr. Antollino

1 MR. ZABELL: Maybe to ask him if he had seen it
2 in October of 2010 when it was posted.

3 THE COURT: Well, for sure we can. Well, if he
4 hasn't seen these, then there is no probative value. I'm
5 not allowing you to ask a hypothetical if he had seen
6 this.

7 MR. ANTOLLINO: Not if he had seen it. He saw
8 it at his deposition. It was marked as an exhibit at his
9 deposition and he was asked questions about it.

10 THE COURT: But if he saw it at the deposition
11 doesn't mean he saw it in the course of his business and
12 made a decision during his business not to take action on
13 it. There is a big difference.

14 Anybody can show anything at their deposition,
15 it doesn't make it admissible. It he saw it in the course
16 of his business and analyzed it and made a decision, do
17 something or not to do something, that would be fair game.
18 But the first time he ever saw this was at the deposition,
19 zero probative value, okay?

20 MR. ANTOLLINO: What about the second time?

21 MR. ZABELL: If he saw it the second time after
22 seeing it the first time at the deposition?

23 THE COURT: We're talking about the second time.

24 MR. ANTOLLINO: We talked about this at length,
25 and I don't know what this person, what Mr. Maynard saw

Maynard - Direct/Mr. Antollino

631

1 after his deposition.

2 THE COURT: It doesn't matter what he saw after
3 the deposition. Okay. The question is, did he see it
4 before you showed it to him for the first time at the
5 deposition. He hasn't seen it. If he hasn't seen it then
6 you can't ask someone, why didn't you take action on this.
7 If there is testimony that he never saw it, it was on Yelp
8 and he never saw it. Okay?

9 And the same would be for the second one. I
10 don't know if the second one is in the same category. Is
11 the second one off his website or --

12 MR. ZABELL: It's Yelp.

13 THE COURT: The questions, then they become
14 hypothetical, if you had seen this, what would you have
15 done. I'm not going to allow that, okay?

16 MR. ANTOLLINO: All right.

17 THE COURT: How much more do you have? I hope
18 you're getting to the end.

19 MR. ANTOLLINO: I'm near the end.

20 THE COURT: All right. Okay. Let's take our
21 break.

22 MR. ZABELL: Thank you, your Honor.

23 (A recess was taken at 3:24 p.m.)

24 (After recess the following occurred.)

25 THE COURT: You think we are still going to

Maynard - Direct/Mr. Antollino

632

1 finish the testimony by tomorrow, correct?

2 MR. ZABELL: I'm hoping. I would like very much
3 to get in some of my witnesses done today.

4 MR. ANTOLLINO: I don't think I'll be done
5 within 45 minutes today, judge, based on how it's going.
6 He stands up and objects to every question.

7 THE COURT: How do you say you need another 45
8 minutes?

9 What topics haven't you covered that you have
10 covered already? We have gone through now, obviously,
11 Ms. Orellana's incident. What's left?

12 MR. ANTOLLINO: Judge, I cut it down, as I told
13 you, as best I can, as best my judgment. And I believe
14 that I can do it in 15 minutes, but for every answer there
15 is an explanation and an objection. That's what takes so
16 long.

17 THE COURT: Let's try to do it. Let's shoot for
18 15 minutes.

19 MR. ANTOLLINO: All right. Then ask Mr. Zabell
20 and Mr. -- not to object -- and Mr. Maynard not to object
21 and explain every question.

22 THE COURT: Let's bring in the jury.

23 (The jury entered the courtroom.)

24 THE COURT: All right.

25

Maynard - Direct/Mr. Antollino

633

1 BY MR. ANTOLLINO:

2 Q Mr. Maynard, you are familiar with Yelp.

3 Is that not true?

4 A Yes, I am.

5 Q In fact, you have an account on Yelp in which you
6 respond to customer complaints, correct?

7 A Yes, we do.

8 Q All right. Now, I'm going to show you what's
9 Plaintiff's Exhibit 6 and ask you if you recognize these
10 complaints from Yelp.

11 A I don't remember seeing this one.

12 Q But you do recognize that is a Yelp complaint with
13 those stars there, correct?

14 A Yes.

15 Q Yes?

16 A Yes. And I think I remember seeing this one also.

17 Q You do remember seeing this one?

18 A I do.

19 MR. ANTOLLINO: I ask that this be admitted,
20 judge.

21 THE COURT: The first one you remembered seeing
22 as well? I didn't hear the answer.

23 A No, not that one.

24 Q So you remember seeing the first one?

25 A I remember seeing this, yes.

Maynard - Direct/Mr. Antollino

1 Q And the second one which is also a Yelp complaint, do
2 you remember seeing this?

3 A No, I don't.

4 Q All right.

5 MR. ANTOLLINO: Well, I would ask to admit the
6 first page of Exhibit 6, and I'll tell you what.

7 THE COURT: I want to see if there is any
8 objection.

9 MR. ZABELL: No. But I want to hear what he
10 wants to tell us.

11 MR. ANTOLLINO: I'll tell you what. I won't ask
12 any further questions. We'll go into this on summation,
13 okay?

14 THE COURT: Okay. So it's admitted, just the
15 one page.

16 MR. ANTOLLINO: Yes.

17 (Plaintiff Exhibit 6 evidence.)

18 BY MR. ANTOLLINO:

19 Q So before you fired Don, you didn't speak to anyone
20 who was on the plane other than Don or Mr. Kengle,
21 correct?

22 A Correct.

23 Q So the video which you saw, you remember him making a
24 goofy face.

25 Is that right?

Maynard - Direct/Mr. Antollino

635

1 A I would not characterize that as goofy.

2 Q All right. Well, I'm going to show you, take a look
3 at your deposition, page 200.

4 Do you see page 200?

5 A Yes, I do.

6 Q And, in fact, you describe page 200 as goofy antics
7 going on in the airplane.

8 A I think you're saying that.

9 Q All right. Well, let me look at the question. I
10 don't happen to have that page with me.

11 MR. ZABELL: Here you go.

12 BY MR. ANTOLLINO:

13 Q Okay. Were you asked this question, Isn't there
14 usually a goofy atmosphere that goes on in the rig before
15 a jump?

16 MR. ZABELL: Objection. That is not on page
17 200.

18 MR. ANTOLLINO: That is 200, line 20.

19 BY MR. ANTOLLINO:

20 Q Isn't there usually a goofy atmosphere that goes on
21 in the rig before a jump?

22 You were asked that question, correct?

23 A In the rig? What is the rig?

24 Q That is what I said at my deposition. You were asked
25 that question at the deposition, correct?

Maynard - Direct/Mr. Antollino

636

1 A Yes.

2 Q And you answered, There are times, yes, there are
3 goofy times.

4 That was your answer, correct?

5 A Yes, but that wasn't what I said about Don. And I
6 didn't say that about Don's video.

7 Q But you would characterize the atmosphere as goofy
8 according to this, correct?

9 A He kept saying goofy so I agreed with you.

10 Q All right. And you agreed with me because it was the
11 truth, correct?

12 A We try to have our -- we try to make it fun up there.
13 Our first job is to make everything as safe as possible.
14 And by having a little fun atmosphere, we try to make the
15 customers relax, yes.

16 Q Okay. And by having them relax, you're funny, you
17 make jokes, you're goofy, you're childlike, all of those
18 things, correct?

19 MR. ZABELL: Objection.

20 THE COURT: We went through this already in his
21 testimony.

22 BY MR. ANTOLLINO:

23 Q All right now, you saw -- you have seen pictures of
24 someone putting their hand on someone else's behind as
25 they're getting out of an aircraft, correct?

Maynard - Direct/Mr. Antollino

637

1 A Yes.

2 Q That's necessary because the person getting out of an
3 aircraft doesn't have something to stand on, correct?

4 A Yes.

5 Q Okay. When an instructor is exiting an airplane with
6 a passenger, his mouth is very close to the passenger's
7 ears, correct?

8 A Yes.

9 Q All right. And that's because if the instructor is
10 talking to the helmet, the passenger is not going to hear
11 as well as if he is on the right side or the left side,
12 correct?

13 A What you're saying, yes.

14 Q Now, do you remember the video where a bunch of
15 people were about to jump out of a plane and they all
16 exclaimed, Make shit happen?

17 A Yes.

18 Q Okay. And there is nothing inappropriate about that,
19 given the context in which it's happening, correct?

20 A Correct.

21 Q You saw a picture of Rich Winstock having his hand on
22 a passengers's shoulder and you thought nothing wrong of
23 it, correct?

24 A Correct.

25 Q Now, you were not aware, were you, at the time you

Maynard - Direct/Mr. Antollino

1 fired Don, that Rosana was kissing the camera, were you?

638

2 MR. ZABELL: Objection as to facts not in
3 evidence.

4 THE COURT: Sustained to the form.

5 BY MR. ANTOLLINO:

6 Q You saw Mr. Kengle's video this morning, correct?

7 A Yes, I did.

8 Q And there was a portion there where Rosana was
9 pursing her lips at the camera, correct?

10 A She was going along with what was going on in the
11 airplane.

12 Q Can you answer the question, was she pursing her
13 lips?

14 A Yes.

15 Q In the form of a kiss, correct?

16 A Could be termed that way.

17 Q Now, Mr. Kengle did not tell you that there had been
18 a joke in the aircraft to the effect that, I bet you
19 didn't think that your girlfriend was going to get
20 strapped to another guy, correct?

21 A That said -- I read that more than once, yes.

22 Q And Mr. Kengle didn't tell you that when he called
23 you, correct?

24 A I'm not sure. I don't remember.

25 Q Why don't you take a look at your deposition,

Maynard - Direct/Mr. Antollino

639

1 page 210, and I'll ask you if that refreshes your
2 recollection.

3 THE COURT: Do you have the deposition?

4 A You took my copy.

5 Q I'm sorry.

6 Do you see that? On line 15, Did Mr. Kengle
7 tell you that there has been a joke before the passengers
8 exited the airplane?

9 Answer: I don't recall.

10 Question: In fact, did he in fact tell you that
11 one of the instructors other than Don made a joke to the
12 effect that, Hey, I bet you didn't think that your
13 girlfriend was going to get strapped to another guy.

14 And you answered, I don't know.

15 Question: You don't know if he told you that?

16 No.

17 You answered -- you were asked those questions
18 and you were given those answers, correct?

19 A Yes.

20 Q All right. Now, if that joke was made, it wasn't an
21 inappropriate joke according to you, correct?

22 A Correct.

23 Q Now, that comment would have been on Mr. Kengle's
24 mind during the jump, wouldn't that be fair to say, it was
25 made before the jump?

Maynard - Direct/Mr. Antollino

640

1 MR. ZABELL: Objection.

2 THE COURT: Sustained.

3 BY MR. ANTOLLINO:

4 Q You did not think it is inappropriate for Rich
5 Winstock to tell a customer that he was married and had
6 children, do you?

7 A No.

8 Q That's personal information, correct?

9 A Yes.

10 Q If he felt that was appropriate under the
11 circumstances, you respect his judgment, correct?

12 A Yes.

13 Q And you knew that when you took your deposition in
14 2011, right?

15 A Correct.

16 Q He used that personal information in his best
17 judgment to ease the tension, correct?

18 A That is what he said.

19 Q You didn't fire Rich Winstock for that, correct?

20 A Nobody complained.

21 Q You didn't suspend him, correct?

22 A Nobody complained.

23 Q If someone had complained --

24 MR. ANTOLLINO: Are you going to let me ask this
25 judge?

Maynard - Direct/Mr. Antollino

641

1 Q If someone had complained, are you going to fire
2 someone for saying they're married and have children?

3 A No.

4 Q Now, you believe that Don's comment about being gay
5 is a comment about an escapade, correct?

6 MR. ZABELL: Objection.

7 THE COURT: Sustained to the form.

8 BY MR. ANTOLLINO:

9 Q What is an escapade?

10 A An escapade could be an event, be someplace you're
11 going, it could be a date. Just another word for doing
12 something.

13 Q And you heard on the tape last week that you referred
14 to Don telling Ms. Orellana about his escapades, correct?

15 MR. ZABELL: Objection.

16 THE COURT: Overruled. You can answer that.

17 A Yes.

18 Q And his escapades were being gay, correct?

19 A No.

20 Like I said, an escapade could be going
21 somewhere, doing something, going on a date.

22 Q So you don't know what escapades you were referring
23 to in that tape?

24 A Do I know what escapade?

25 Q Yes. You don't know what escapades you were

Maynard - Direct/Mr. Antollino

642

1 referring to in that tape, do you?

2 A I don't understand.

3 Q You referred -- now, let's just focus for a minute.

4 You referred to escapades in a tape that you heard last
5 week, correct?

6 A Correct.

7 Q What escapades were you talking about?

8 A Don, you mean, with Ms. Orellana?

9 Q Yes.

10 A As you heard testimony from her, she told -- she
11 spoke about Don was talking about, he had just broken up
12 with his boyfriend and he was very unhappy. And that was
13 what I considered an escapade.

14 Q Breaking up with a boyfriend is an escapade?

15 A Why not?

16 Q All right. You never asked what it was about the
17 hips that made Rosana uncomfortable, did you?

18 A About the what?

19 Q You never asked what it was about her hips that made
20 Rosana uncomfortable, did you?

21 A No, I did not ask.

22 Q It could have been that Don was adjusting the straps
23 down there, correct?

24 A No.

25 Q All right. Take a look at your deposition, page 250.

Maynard - Direct/Mr. Antollino

643

1 Do you have page 250 there?

2 A Yes.

3 Q All right. Take a look at page 149, line 25.

4 Question: And it could have been something,
5 page 250, like he was adjusting the straps down there,
6 correct?

7 Answer: It could.

8 Were you asked that question and did you give
9 that answer?

10 A Yes.

11 Q And then I also asked you, And if he was adjusting
12 the straps down there, that would not be a legitimate
13 complaint, correct?

14 Answer: Correct.

15 A If he was just adjusting the straps, correct.

16 Q That's okay.

17 You trusted Don's judgment in adjusting the
18 straps, to give as much safety and balance with
19 customers -- withdrawn.

20 You trusted Don's judgment in adjusting the
21 straps to give as much safety and balance with comfort for
22 the passenger.

23 Is that correct?

24 A Correct.

25 Q What Rosana felt might well have been -- withdrawn.

Maynard - Direct/Mr. Antollino

644

1 Now, a tandem instructor wants to check the
2 attachments to make sure that they are in place, correct?

3 A Correct.

4 Q That would require him to touch the attachments,
5 correct?

6 A Correct.

7 Q Now, Mr. Kengle was paired with Duncan Shaw, correct?

8 A Correct.

9 Q And there is nothing wrong with the fact that Duncan
10 Shaw told Mr. Kengle that he was from New Zealand,
11 correct?

12 A Correct.

13 Q Even though being from New Zealand is personal
14 information, correct?

15 A Correct.

16 Q When you are under canopy -- before I forgot, I just
17 want to ask this question.

18 Rosana testified last week that she was in free
19 fall for ten minutes. Is that an exaggeration or is that
20 accurate?

21 MR. ZABELL: Objection.

22 THE COURT: Sustained to form.

23 BY MR. ANTOLLINO:

24 Q How long are you in free fall in a typical dive?

25 A About 60 seconds.

Maynard - Direct/Mr. Antollino

645

1 Q So if she said ten minutes, that would be a
2 mis-memory, correct?

3 A She was --

4 Q Let me finish asking the question.

5 If she said ten minutes, that would be
6 incorrect, correct?

7 A Correct.

8 Q All right. Now, when you were under canopy, that's
9 when you go up after the parachute is deployed.

10 Is that correct?

11 A The parachute does not go up. It actually --

12 Q So the parachute opens and it takes you up, correct?

13 A No.

14 Q Explain what being under canopy means.

15 A Initially in a free fall, and when you deploy the
16 parachute you're throwing out what we call a drogue, a
17 drogue chute. And then when they're in free fall with the
18 drogue chute, that's stabilizing them at 120 miles an
19 hour, and you do that about 50 seconds. And when he pulls
20 the rip cord and releases the pin, it opens up a
21 container, a deployment bag comes out, you get what we
22 call line stretch. And then the parachute, or what we
23 call canopy, then opens up. But you don't go up.

24 Q It just comes down?

25 A Correct. What you're seeing on the videotape is

Maynard - Direct/Mr. Antollino

646

1 because the videographer continues to fall and continues
2 to videotape. What you're seeing, it looks like you're
3 going up, but you're just slowing down and he is not.

4 Q Okay. Now under canopy you have to loosen the straps
5 as you land, correct?

6 A Yes.

7 Q And you have to loosen the straps at the hips at that
8 time, correct?

9 A Yes.

10 Q Otherwise an injury could occur, correct?

11 A It's more for comfort than you're worried about
12 injury.

13 Q And comfort is important, correct?

14 A Yes.

15 Q It makes it better to have them loosened up as you
16 reach the ground rather than loosen them just as you are
17 landing.

18 Is that true?

19 A Yes.

20 Q All right. Now, when an instructor is strapped to a
21 passenger, the instructor has to position his chin on
22 either the right or the left side of the passenger to
23 avoid hitting the passenger's head with his mouth,
24 correct?

25 A What are you talking about, on the jump?

Maynard - Direct/Mr. Antollino

647

1 Q At any point.

2 A When you're sitting down in an airplane, that is
3 when is the closest proximity to that. In free fall you
4 can see that there is distance between them so that they
5 don't have their head to one side or the other. And under
6 the canopy, the same situation is because when they're --
7 after the parachute is opened and you're hanging from the
8 harness, you are lower than the tandem master.

9 So no, your head does not have to be on the
10 right or the left of him, you're directly behind him
11 because the distance is horizontally.

12 Q Take a look at page 259 of your deposition, line 6.

13 Are you there?

14 A 259, yes.

15 Q Line 6.

16 Question: Isn't it true that when an instructor
17 is strapped to a passenger, the instructor has to position
18 his chin on either the right or the left side of the
19 passenger to avoid hitting the passenger's head with his
20 mouth?

21 Answer: Sitting in the airplane?

22 Question: Either sitting in the airplane or up
23 in the air.

24 Answer: Yes.

25 Were you asked those questions and did you give

Maynard - Direct/Mr. Antollino

648

1 those answers?

2 A Yes.

3 Q Okay.

4 MR. ZABELL: Your Honor, may we approach?

5 THE COURT: Yes.

6 (Continued on the following page.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

649

1 (The following occurred at sidebar.)

2 MR. ZABELL: I think we have been very patient.

3 We were shooting for 15 minutes. I kept any objections to
4 the bare minimum.

5 I have a witness that I would like very much to
6 get done with today. He is a ten-minute witness. I can't
7 imagine being any more than that. If there is some way we
8 can fit him in.

9 MR. ANTOLLINO: I'm almost done, judge. The
10 more objections there are -- I don't have that much more.

11 THE COURT: Why don't we -- we did the other
12 witness, why don't we try to get that witness in now?

13 MR. ANTOLLINO: All right, if you would like to
14 do that now, we'll start with, at this point tomorrow.

15 THE COURT: Okay. But I have to leave promptly
16 at 4:30.

17 MR. ZABELL: I got you.

18 (Continued on the following page.)

19

20

21

22

23

24

25

Burrell - Direct/Mr. Zabell

650

1 (The following occurred in open court.)

2 THE COURT: Mr. Zabell has a witness that we
3 want to take, a short witness we want to take in now so
4 the witness doesn't have to come back tomorrow. So we're
5 going to interrupt Mr. Maynard.

6 Will you step down and we'll do this now.

7 Thank you, Mr. Zabell.

8 MR. ZABELL: Your Honor, at this time we call
9 Wayne Burrell. My associate is getting him now.

10 (There was a pause in the proceedings.)

11 THE COURT: Mr. Burrell, if you could come up to
12 the witness stand and remain standing once you get there.

13 **WAYNE BURRELL**

14 called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 THE COURT: Please state your name and spell
17 your last name for the record.

18 THE WITNESS: Wayne Burrell, B-U-R-R-E-L-L.

19 THE COURT: All right, Mr. Zabell.

20 DIRECT EXAMINATION

21 BY MR. ZABELL:

22 Q Mr. Burrell, are you currently employed?

23 A Yes.

24 Q By whom are you currently employed?

25 A I'm self-employed.

Burrell - Direct/Mr. Zabell

651

1 Q In what type of business?

2 A Custom carpentry.

3 Q Are you familiar with the company called Skydive Long
4 Island?

5 A Yes. I used to work there.

6 Q And how -- you worked there. How long did you work
7 there?

8 A 24 years.

9 Q What did you do there for 24 years?

10 A I was an instructor.

11 Q Do you remember working with an employee by the name
12 of Don Zarda?

13 A Yes, I do.

14 Q What do you remember of Mr. Zarda?

15 MR. ANTOLLINO: Objection.

16 THE COURT: No.

17 BY MR. ZABELL:

18 Q Did you have the opportunity to personally work with
19 Mr. Zarda?

20 A Yes, sir.

21 Q What does that mean to you?

22 A We would be on the plane together as an instructor.

23 Q Did you ever socialize with Don Zarda?

24 A Yeah, we would chit-chat when we would be jumping or
25 whatever at the end of the day.

Burrell - Direct/Mr. Zabe11

652

1 Q Did the two of you have any common interests?

2 A Yeah. I think he was into construction work. He did
3 a little bit of electrical work, a little bit of
4 carpentry, I believe.

5 Q Did you ever observe Don Zarda's skydiving skills?

6 A Yes.

7 Q Did you observe Mr. Zarda to be a competent skydiver?

8 A Yes.

9 Q Did you observe him to be a good skydiver?

10 A Yes.

11 Q Did you ever have occasion to see Mr. Zarda interact
12 with skydiving students?

13 A Yes, sir.

14 Q And how did you see that?

15 A Just being like, I'm with a student and he would be
16 with a student and we would get on the plane together and
17 be on the plane together.

18 Q Now, what did you actually observe of Mr. Zarda
19 jumping with skydiving students?

20 MR. ANTOLLINO: Objection to form.

21 THE COURT: Overruled. You can answer.

22 A Well, I mean on the plane, I just remember seeing him
23 being, especially with female students, being a little
24 unprofessional, rude, not talking to them, not being
25 friendly.

Burrell - Direct/Mr. Zabell

653

1 Q And you only noticed that with Mr. Zarda with female
2 students?

3 MR. ANTOLLINO: Objection. Leading.

4 THE COURT: Overruled.

5 You can answer.

6 BY MR. ZABELL:

7 Q Did you ever say anything to him about that?

8 A I never said anything to Don.

9 Q Did you ever say anything about that to anybody else
10 at Skydive?

11 A I mentioned it to Ray's, but not formally.

12 Q Well, what did you mention?

13 A I would just say to Ray's that, you know, he's being
14 unprofessional. He's not being nice to some of the
15 students. And I don't agree with it and I don't like it.

16 Q And did you ever observe Mr. Zarda asking to trade
17 passengers with you?

18 A I think I recollect that, on occasion, yeah.

19 Q What was the occasion?

20 A Well, he would prefer taking the male students over
21 the female students.

22 Q Did you find that odd?

23 A Yes.

24 Q Why?

25 A You should just take whoever you're given.

Burrell - Direct/Mr. Zabe11

654

1 Q Is it easier to jump with a female student?

2 A Not necessarily, no.

3 Q Did you know that Don Zarda was gay?

4 A Yes.

5 Q How did you know he was gay?

6 A I just heard it at -- I just heard that the owner of
7 the Dropzone had hired a gay skydiver.

8 Q And did Mr. Zarda ever introduce himself to you?

9 A I don't really recall. You know, like, just formal
10 meeting. He didn't say anything. Just, you know, because
11 when you get -- an instructor comes on the Dropzone, we
12 just know he is a new instructor and you just get to know
13 each other when you're on the plane, so...

14 Q And did you ever hear Don Zarda introduce himself as
15 gay Don?

16 A I think I heard him say that on occasion.

17 Q And did you ever hear Don Zarda talk about his
18 sexuality on the plane?

19 A Sure.

20 Q Did you ever hear any of your, any co-workers other
21 than Don Zarda pick on Don because he was gay?

22 A No.

23 Q Did you ever hear any negative comments made to Don
24 about his sexual orientation?

25 A No.

Burrell - Direct/Mr. Zabell

1 Q Do you think Don was treated differently at Skydive
2 Long Island because of his sexual orientation?

3 A No.

4 MR. ANTOLLINO: Objection.

5 THE COURT: Overruled.

6 BY MR. ZABELL:

7 Q Do you know why Don Zarda --

8 MR. ANTOLLINO: Is there an answer?

9 MR. ZABELL: I thought he already had.

10 THE COURT: Yes, the answer was no, right?

11 THE WITNESS: I'm sorry, what question?

12 THE COURT: The question was, did you think that
13 Don was treated differently.

14 THE WITNESS: No. I said no, he was not treated
15 differently.

16 BY MR. ZABELL:

17 Q How often would you hear Don Zarda bring up his
18 sexuality?

19 A I don't really recall exactly. It wasn't all the
20 time, no.

21 Q Do you know why Don Zarda was terminated?

22 A Yes, I do.

23 Q Why was he terminated?

24 MR. ANTOLLINO: Objection. Calls for --

25 THE COURT: Yes, you need to ask him how he

655

Burrell - Direct/Mr. Zabell

656

1 knows first.

2 BY MR. ZABELL:

3 Q How do you know how Don Zarda was terminated?

4 A How do I know? Well, I worked with him and I heard
5 that he had been let go.

6 Q Did he tell you or did somebody else tell you?

7 A I heard from one of the instructors, I believe.

8 MR. ANTOLLINO: All right. I'm going to object
9 to that line of questioning.

10 THE COURT: Yes.

11 BY. MR. ZABELL:

12 Q Did you stay in contact with Don Zarda after he was
13 terminated?

14 A No, I didn't.

15 Q Did you ever have any discussion was Don Zarda about
16 base jumping?

17 A I had heard him talk about base jumping, but not
18 specifically talking with him about it.

19 Q Do you recall when you heard him talking about base
20 jumping?

21 A Well, I recall him being -- working at Skydive Long
22 Island in 2001 and I remember hearing him talk about base
23 jumping then.

24 Q Did you ever hear Don Zarda talk about jumping with a
25 wing suit?

Maynard - Direct/Mr. Antollino

657

1 A Not that I recall.

2 MR. ZABELL: I have no further questions, judge.

3 THE COURT: Any cross-examination?

4 MR. ANTOLLINO: All right. No further
5 questions, no questions at all.

6 THE COURT: All right. You may step down, thank
7 you.

8 Mr. Maynard, if you can please take the stand
9 again.

10 You're still under oath.

11 THE WITNESS: Yes, sir.

12 DIRECT EXAMINATION (Continued)

13 BY MR. ANTOLLINO:

14 Q I don't know where I was.

15 But do you believe it was not reasonable for
16 Mr. Kengle to have felt uncomfortable about the comment
17 that Mr. Kengle's girlfriend was going to get strapped to
18 another guy, correct?

19 A Say that again.

20 Q Do you believe that it was not reasonable for
21 Mr. Kengle to have felt uncomfortable by the comment that
22 his girlfriend was getting strapped to another guy?

23 A I believe it was a joke. I don't think he took it
24 any other way.

25 Q So therefore, it would not be reasonable for him to

Maynard - Direct/Mr. Antollino

658

1 feel uncomfortable about that, correct?

2 A I didn't say that.

3 Q Well, why don't you take a look at your deposition,
4 page 260, line 3.

5 The question is, Do you think it might have been
6 reasonable for Mr. Kengle --

7 A Sorry, 250?

8 Q 260, line 3.

9 A Okay.

10 Q Do you think it might have been reasonable for
11 Mr. Kengle or Ms. Orellana to have felt uncomfortable by a
12 comment that Mr. Kengle's girlfriend was getting strapped
13 to another guy?

14 Question: You can answer.

15 Answer: No.

16 Were you asked those questions and did you give
17 those answers?

18 A Yes.

19 Q All right. Did you think it was unreasonable that
20 Don might have felt uncomfortable about that statement?

21 A No.

22 Q Do you think that Don had to go along with the idea
23 that he was in a heterosexual triangle trying to hit on
24 another woman?

25 MR. ZABELL: Objection.

Maynard - Direct/Mr. Antollino

659

1 THE COURT: Sustained.

2 BY MR. ANTOLLINO:

3 Q So someone who is making that comment or joke,
4 whatever you call it, is implying that Don is being
5 strapped up to his girlfriend, correct?

6 MR. ZABELL: Objection.

7 THE COURT: Sustained. I'll sustain this line
8 of questioning.

9 BY MR. ANTOLLINO:

10 Q Do you think it was unreasonable for Don to take
11 himself out of that situation and say, I have no interest
12 in you sexually by saying, Don't worry, I'm not gay?

13 MR. ZABELL: Objection.

14 THE COURT: Sustained as to form and I think he
15 already commented on that generally.

16 Q It was Don's reasonable choice to mention that he was
17 gay, in order to take himself out of that scenario,
18 correct?

19 MR. ZABELL: Objection.

20 Q It was Don's reasonable choice to take himself out of
21 the equation that suggested that he was heterosexual,
22 correct?

23 MR. ZABELL: Same objection.

24 THE COURT: Sustained as to all questions
25 regarding what was going on in Mr. Zarda's mind, okay?

Maynard - Direct/Mr. Antollino

660

1 BY MR. ANTOLLINO:

2 Q Now, sometimes that is the atmosphere when you're up
3 in the air, people are making jokes like that, correct?
4 We have already established that.

5 A Yes, jokes are made up in the air.

6 Q And if any tandem passenger complained about the
7 goofy atmosphere, there would be nothing improper about
8 that, correct?

9 A It would depend on the content and what the exact
10 complaint was.

11 Q Okay. And you don't believe that this other comment
12 about being strapped to another guy was in any way
13 improper, correct?

14 A Correct.

15 Q Now, when you saw Don's jump, when it was played a
16 couple of days ago, you would have given him an 8 or 9 out
17 of 10, based on what you saw, correct?

18 A Correct.

19 Q You instruct your instructors to contribute to the
20 fun of the job and the skydive that these students are
21 taking, correct?

22 A Correct.

23 Q And you heard Rich Winstock testify that they're
24 supposed to, quote-unquote, enhance the video, correct?

25 A Correct.

Maynard - Direct/Mr. Antollino

661

1 Q You agree with enhancing the video, correct?

2 A Correct.

3 Q On this particular video, the only thing that was
4 showing of Don was his face and his hand, correct?

5 A Correct.

6 Q So in his situation, the only way he could enhance
7 the video was with his face and his hand, correct?

8 A Correct.

9 Q Now, at some point you got annoyed that Don had
10 applied for unemployment benefits, correct?

11 MR. ZABELL: Objection.

12 THE COURT: We already went through that.

13 MR. ANTOLLINO: All right.

14 BY MR. ANTOLLINO:

15 Q What is the main skydive season?

16 A On Long Island it's about the beginning of April
17 through the middle of November.

18 Q How much do skydivers make per jump? It's \$40,
19 correct?

20 A That's correct.

21 Q Now, on a good day, how many jumps would there be?

22 A It would depend on the time of the year and the day
23 of the week.

24 Q All right. Well, from what to what?

25 A As low as one or two, to as many as 15, depending on

Maynard - Direct/Mr. Antollino

662

1 the day of the week and what the time of the season is.

2 Q When it's colder there are fewer customers and when
3 it's warmer there are more customers --

4 A WELL --

5 Q Let me finish asking the question.

6 When it's colder there are fewer customers and
7 when it's warmer there are more customers, correct?

8 A Correct.

9 Q And they also get tips, correct?

10 A Yes.

11 Q What would you say would be a good take-home pay for
12 a tandem skydiver at the end of the summer?

13 MR. ZABELL: Objection.

14 THE COURT: What is the basis?

15 MR. ZABELL: He is asking him to speculate.

16 There is no limit as to time, this is now, this is then.

17 THE COURT: You should specify.

18 BY MR. ANTOLLINO:

19 Q At the time Mr. Zarda was working there, which was
20 2011 and 2010, what would be a good take-home pay at the
21 end of the summer?

22 A I would really have to look at the records in that.
23 I really don't know.

24 Q Would you say 25,000?

25 A I would have to look at the records and I really

Maynard - Direct/Mr. Antollino

663

1 don't know.

2 Q So you couldn't say whether it was more or less than
3 25,000?

4 A I answered that, no.

5 Q You couldn't say if it was more or less than 30,000?

6 A I would have to look at the records. I don't know.

7 MR. ANTOLLINO: All right, judge, I think I'm
8 done. I would just like to approach on one thing.

9 THE COURT: Okay.

10 (Continued on the following page.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

664

1 (The following occurred at sidebar.)

2 MR. ANTOLLINO: When I talked about
3 unemployment, you stopped me, you said we've been over
4 this before. We have only been over it with another
5 witness. We've been over the Workers' Comp. with this
6 witness. Are you saying that because we brought it in
7 with another witness, we don't have to bring it in with
8 this witness or are you -- were you mistaken that Workers'
9 Comp. and Unemployment Insurance are the same thing?

10 THE COURT: I'm not sure. You already asked
11 this witness about if it was part of the discrimination --

12 MR. ANTOLLINO: No, no, that is Workers' Comp.

13 THE COURT: What are you asking him about now?

14 MR. ANTOLLINO: Unemployment Insurance.

15 THE COURT: I was confused. This is on damages.

16 MR. ANTOLLINO: This goes to damages and his
17 reasons.

18 THE COURT: I misheard. I'm sorry. Okay.

19 MR. ANTOLLINO: Okay. Thank you.

20 (Continued on the following page.)

21

22

23

24

25

Maynard - Direct/Mr. Antollino

665

1 (The following occurred in open court.)

2 THE COURT: There was a mistake. There were
3 some questions regarding Unemployment benefits, and I said
4 we've gone over this. I was thinking of Workman's Comp.

5 So I'm going let him question on Unemployment
6 benefits because of the issue of damages.

7 Go ahead.

8 MR. ZABELL: I object to your characterization
9 for the decision being a mistake, judge.

10 THE COURT: Okay, judges can make mistakes.

11 Go ahead.

12 MR. ANTOLLINO: Thank you, judge.

13 BY MR. ANTOLLINO:

14 Q At some point you got a notice that Don had applied
15 for Unemployment after you fired him.

16 Is that correct?

17 A Correct.

18 Q And you contested Don's Unemployment benefits.

19 Is that correct?

20 A I didn't contest it. I wrote a letter just to give
21 them -- they wanted more information, I believe, or
22 something. I think Lauren had gotten the -- that letter
23 and we discussed it and we sent a letter because they said
24 if we had any more information about this, we should send
25 it to them.

Maynard - Direct/Mr. Antollino

666

1 I wasn't really sure what all of the
2 Unemployment laws and stuff were, but I knew that Don
3 owned a company, and in the year of 2010 which he did
4 testify he got paid money from, and he was working at that
5 company the entire time. So I was just letting them know
6 that while he was applying for Unemployment, and I thought
7 if you were working somewhere you were not eligible. And
8 we only sent a letter and told them what we knew.

9 Q But you also told them about the reason why he was
10 fired, correct?

11 A Lauren wrote that letter. The only thing I saw in
12 there and what I asked for was that he was fired for a
13 customer complaint.

14 Q That is right. And Lauren showed you the letter
15 before she sent it out, correct?

16 A I briefly saw it and asked her if what I said was in
17 there. And she sent it.

18 Q And you didn't ask her to add anything or take
19 anything out, did you?

20 A No.

21 MR. ANTOLLINO: No further questions.

22 THE COURT: Okay. We'll continue tomorrow.

23 The schedule I told you still applies. So we'll
24 complete the testimony and presentation of the evidence
25 tomorrow and summations will be on Wednesday morning.

Maynard - Direct/Mr. Antollino

667

1 Okay?

2 Don't discuss the case.

3 Have a safe trip home. Good night.

4 (The jury left the courtroom.)

5 THE COURT: Can you come in at 9:15 tomorrow so
6 we can go over the declaration and the EOC complaint?

7 MR. ZABELL: Yes.

8 MR. ANTOLLINO: Yes, your Honor.

9 (The trial was adjourned at 4:28 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

668

1 I N D E X

2	RAYMOND MAYNARD	476
3	DIRECT EXAMINATION	477
	BY MR. ANTOLLINO	
4	DAVID KENGLER	518
5	DIRECT EXAMINATION	518
6	BY MR. CARDINALE	
	CROSS-EXAMINATION	539
7	BY MR. ZABELL	
	REDIRECT EXAMINATION	548
	BY MR. CARDINALE	
8	RAYMOND MAYNARD	560
9	DIRECT EXAMINATION (Continued)	560
	BY MR. ANTOLLINO	
10	WAYNE BURRELL	650
11	DIRECT EXAMINATION	650
12	BY MR. ZABELL	
	DIRECT EXAMINATION (Continued)	657
	BY MR. ANTOLLINO	

13 EXHIBITS

15	Plaintiff Exhibit 7 B in evidence	582
16	Plaintiff Exhibit 36 in evidence	479
	Plaintiff Exhibit 36-A in evidence	491
17	Plaintiff Exhibit 53 in evidence	496
	Plaintiff Exhibit 54 in evidence	524
18	Plaintiff Exhibit 10, page 24 in evidence.	560
	Plaintiff Exhibits Ray's 222, 223, 210 and	570
	211 in evidence.	

19

20

21

22

23

24

25

\$	2.3 [2] - 570:1, 572:1 2/21/2010 [1] - 609:13 20 [6] - 473:24, 530:4, 538:21, 566:4, 620:4, 635:18 200 [5] - 635:3, 635:4, 635:6, 635:17, 635:18 2001 [6] - 589:18, 594:19, 598:19, 624:4, 625:7, 656:22 2009 [1] - 600:3 2010 [13] - 519:13, 519:23, 520:1, 525:3, 527:13, 536:4, 536:8, 536:15, 549:18, 628:6, 630:2, 662:20, 666:3 2011 [5] - 522:15, 551:18, 628:7, 640:14, 662:20 2012 [2] - 468:8, 468:13 2015 [1] - 465:8 21 [3] - 588:15, 588:17, 600:11 210 [4] - 569:8, 570:15, 639:1, 668:18 211 [3] - 569:9, 570:15, 668:18 22 [2] - 562:1, 590:24 222 [3] - 569:8, 570:15, 668:18 223 [3] - 569:8, 570:15, 668:18 23 [1] - 530:21 24 [14] - 500:20, 509:25, 560:10, 560:11, 560:12, 560:20, 591:11, 591:22, 613:13, 613:22, 614:3, 651:8, 651:9, 668:17 25 [2] - 619:5, 643:3 25,000 [2] - 662:24, 663:3 250 [4] - 642:25, 643:1, 643:5, 658:7 259 [2] - 647:12, 647:14 26 [2] - 465:17, 628:6 260 [2] - 658:4, 658:8 26th [1] - 627:22 275 [1] - 465:15	403 [3] - 473:15, 555:11, 559:2 42 [1] - 530:20 45 [8] - 475:3, 475:5, 475:21, 477:15, 503:6, 515:24, 632:5, 632:7 476 [1] - 668:2 477 [1] - 668:3 479 [1] - 668:15 48 [2] - 526:14, 526:15 491 [1] - 668:16 496 [1] - 668:16 4:28 [1] - 667:9 4:30 [1] - 649:16	9 1 A a.m [2] - 465:8, 466:1 ability [3] - 470:2, 492:12, 604:22 able [11] - 472:21, 492:12, 492:21, 500:22, 514:16, 525:7, 544:22, 567:3, 584:3, 584:13, 611:24 absolutely [3] - 563:12, 563:24, 629:12 accept [4] - 537:19, 554:12, 554:16, 558:13 accepted [3] - 537:17, 554:25, 555:3 access [2] - 584:6, 584:20 accident [4] - 508:5, 600:3, 600:7, 600:8 according [5] - 482:21, 557:23, 558:17, 636:8, 639:21 account [1] - 633:5 accurate [1] - 644:20 accurately [1] - 564:14 accusation [1] - 613:24 acquiesce [1] - 515:1 act [3] - 546:7, 628:16 acted [3] - 542:19, 542:20, 542:21 acting [1] - 565:13 action [4] - 563:3, 628:22, 630:12, 631:6 actions [3] - 620:21, 620:22, 628:19 activity [9] - 477:18, 480:5, 485:17, 494:1, 494:15, 494:19, 565:22, 565:24, 591:9 actual [1] - 512:18 ad [1] - 574:14 adapt [2] - 495:6, 495:8 add [1] - 666:18 added [1] - 538:17 addition [1] - 480:8 address [7] - 471:6, 471:13, 471:22, 473:2, 508:22, 509:2, 595:13 addressed [1] - 472:10 adduced [1] - 529:10 adjective [1] - 527:3 adjourned [1] - 667:9 adjust [4] - 500:8, 507:7, 575:20, 581:1 adjustable [1] - 499:20 adjusted [10] - 499:25, 500:5, 504:5, 521:8, 576:7, 577:16,
1	13 [1] - 465:19, 500:20, 509:15 10 [8] - 499:22, 560:10, 560:12, 566:4, 577:2, 604:6, 660:17, 668:17 100 [1] - 465:23 10001 [1] - 465:15 103 [1] - 465:19 10:00 [1] - 466:1 11 [3] - 468:24, 550:14, 628:7 11242 [1] - 465:17 11716 [1] - 465:20 11722 [1] - 465:23 1180 [1] - 465:23 12 [9] - 561:17, 561:25, 575:15, 575:19, 576:2, 576:6, 596:15, 613:3, 613:11 120 [1] - 645:18 125 [2] - 596:12, 596:15 12:30 [2] - 469:4, 556:23 13 [5] - 478:3, 502:1, 521:6, 534:17, 601:13 13-CV-4334 [1] - 466:2 133 [1] - 598:14 136 [1] - 599:13 139 [1] - 590:24 140 [1] - 592:25 149 [1] - 643:3 15 [11] - 561:16, 561:25, 562:1, 563:25, 564:2, 577:2, 632:14, 632:18, 639:6, 649:3, 661:25 150 [1] - 600:11 151 [6] - 600:10, 601:13, 601:25, 602:5, 602:7, 604:8 152 [1] - 604:14 16 [2] - 471:16, 522:21 17 [4] - 526:14, 526:15, 600:19, 601:3 18 [8] - 519:13, 519:23, 520:1, 527:13, 536:3, 536:8, 536:15, 549:18 1815 [1] - 465:17 18th [1] - 621:19 19 [3] - 465:8, 617:17, 619:5 196 [1] - 617:17 19th [1] - 621:21 1:30 [1] - 557:3	5 6 [9] - 626:23, 627:11, 627:24, 633:9, 634:6, 634:17, 647:12, 647:15 6/18/2010 [1] - 609:17 6/29 [1] - 585:19 6/29/2011 [1] - 585:20 60 [2] - 472:16, 644:25 62 [1] - 588:15 631 [1] - 465:24 650 [3] - 668:10, 668:10, 668:11 657 [1] - 668:12	6 7 8
2	2 [6] - 569:14, 569:16, 569:25, 570:12, 599:13, 628:1 2-3 [1] - 569:18 2.10 [2] - 570:1, 572:6 2.2 [2] - 570:1, 571:3	3 [6] - 494:23, 504:3, 539:23, 592:25, 658:4, 658:8 30 [3] - 612:14, 613:6, 620:4 30,000 [1] - 663:5 31 [1] - 478:3 32 [1] - 478:3 36 [13] - 478:24, 479:12, 479:13, 488:8, 489:3, 489:5, 489:20, 491:3, 491:7, 520:25, 538:21, 613:6, 668:15 36-A [4] - 491:10, 491:12, 491:13, 668:16 37 [1] - 539:21 3:24 [1] - 631:23	 4 8 [6] - 530:4, 550:14, 617:20, 619:2, 620:3, 660:16

<p>577:20, 577:22, 578:4, 578:25 adjusting [9] - 507:20, 574:1, 576:12, 642:22, 643:5, 643:11, 643:15, 643:17, 643:20 adjustment [6] - 575:16, 576:3, 576:6, 578:2, 578:8, 579:1 adjustments [10] - 576:10, 576:19, 577:2, 577:4, 577:6, 577:9, 577:12, 578:6, 578:10, 578:20 admissible [2] - 511:18, 630:15 admission [2] - 491:5, 524:11 admit [1] - 634:5 admitted [13] - 479:12, 496:4, 524:13, 524:17, 524:19, 543:17, 560:11, 570:8, 570:13, 582:21, 629:1, 633:19, 634:14 admitting [1] - 479:10 ado [1] - 466:9 adrenaline [4] - 571:8, 571:10, 571:18, 571:23 advantage [1] - 545:23 adverse [3] - 466:8, 516:13, 628:19 advise [1] - 501:8 affect [1] - 588:23 affidavit [7] - 553:1, 553:2, 554:3, 554:15, 554:21, 558:10, 558:22 African [1] - 497:3 AFTERNOON [1] - 560:1 afternoon [3] - 551:18, 559:10, 627:14 ago [8] - 531:17, 531:18, 535:7, 548:20, 552:13, 612:14, 612:20, 660:16 agree [23] - 470:9, 477:18, 478:4, 481:3, 484:24, 487:16, 504:10, 504:25, 506:1, 507:3, 511:23, 512:5, 516:7, 516:8, 521:12, 533:1, 561:12, 564:21, 565:9, 571:23, 578:12, 653:15, 661:1 agreed [5] - 582:6, 615:21, 615:22, 636:9, 636:10 agreeing [1] - 482:2 agrees [1] - 481:8 ah-ha [1] - 529:17 ahead [13] - 477:10, 570:14, 572:22, 573:10, 575:25, 593:18, 596:10, 605:15, 606:11, 621:14, 624:19, 665:7, 665:11 ailments [1] - 492:1 air [6] - 506:17, 506:21, 507:1, 647:23, 660:3, 660:5 aircraft [8] - 495:3, 506:4, 506:5, 561:20, 562:5, 636:25, 637:3, 638:18 airplane [22] - 484:13, 506:25, 545:10, 561:4, 561:5, 561:7,</p>	<p>561:8, 561:9, 562:10, 566:4, 566:6, 574:14, 576:15, 577:3, 578:23, 635:7, 637:5, 638:11, 639:8, 647:2, 647:21, 647:22 allegation [2] - 613:8, 617:13 allow [17] - 472:23, 477:4, 493:11, 514:9, 541:5, 558:22, 558:23, 573:18, 575:23, 578:15, 582:6, 586:6, 597:25, 605:15, 606:7, 606:11, 631:15 allowable [2] - 506:14, 506:24 allowed [1] - 532:19 allowing [1] - 630:5 alludes [1] - 494:23 almost [4] - 503:11, 582:1, 625:9, 649:9 alone [1] - 585:15 aloud [2] - 502:1, 585:13 alright [1] - 501:25 altered [1] - 470:5 ALTITUDE [1] - 465:6 Altitude [1] - 466:3 altogether [2] - 507:10, 546:19 ambush [1] - 471:20 amended [1] - 471:17 American [1] - 497:3 amount [3] - 611:5, 622:6, 622:24 analyzed [1] - 630:16 and-a-half [1] - 622:7 angry [3] - 546:22, 546:23, 615:17 ankle [1] - 608:14 anniversaries [1] - 585:21 annoyed [2] - 546:20, 661:9 anonymous [3] - 627:4, 627:19, 627:20 Answer [42] - 478:7, 522:24, 526:24, 527:1, 527:4, 527:6, 530:10, 530:13, 530:16, 531:1, 534:24, 535:1, 535:3, 539:3, 539:5, 542:5, 550:22, 550:25, 561:20, 591:3, 591:5, 593:4, 593:23, 596:22, 596:24, 597:3, 597:9, 597:11, 599:16, 600:14, 601:7, 601:10, 604:13, 604:18, 620:6, 620:16, 621:1, 639:9, 643:7, 643:14, 647:24, 658:15 answer [62] - 479:17, 493:12, 493:19, 501:7, 505:8, 505:10, 505:13, 523:7, 529:12, 529:22, 539:25, 542:4, 558:15, 558:17, 561:21, 561:23, 562:2, 562:3, 562:8, 575:25, 578:15, 580:9, 580:25, 584:19, 590:2, 591:11, 591:21, 593:25, 596:24, 599:18, 600:16, 604:6, 604:12, 605:16, 606:11, 608:6, 608:21, 611:2, 611:14, 613:10, 614:20, 617:10, 617:19, 621:4, 621:15, 624:14, 624:15, 624:21,</p>	<p>624:22, 632:14, 633:22, 636:4, 638:12, 641:16, 643:9, 647:21, 652:21, 653:5, 655:8, 655:10, 658:14 answered [18] - 493:5, 529:21, 563:5, 575:21, 580:22, 581:2, 581:3, 591:19, 594:20, 604:7, 610:8, 610:11, 610:12, 613:25, 636:2, 639:14, 639:17, 663:4 answering [1] - 601:18 answers [16] - 526:20, 530:18, 534:20, 535:5, 538:25, 539:8, 550:19, 558:25, 591:7, 596:18, 601:16, 604:20, 620:18, 639:18, 648:1, 658:17 anticipating [1] - 515:19 antics [1] - 635:6 Antollino [7] - 469:15, 472:12, 472:13, 476:10, 516:5, 542:2, 542:7, 542:14, 542:21, 542:25, 543:1, 543:6, 543:13, 543:19, 543:25, 544:1, 544:6, 544:13, 544:19, 544:25, 545:1, 545:6, 545:13, 545:19, 545:25, 546:1, 546:6, 546:13, 546:19, 546:25, 547:1, 547:6, 547:13, 547:19, 547:25, 548:1, 548:6, 548:13, 548:19, 548:25, 549:1, 549:6, 549:13, 549:19, 549:25, 550:1, 550:6, 550:13, 550:19, 550:25, 551:1, 551:6, 551:13, 551:19, 551:25, 552:1, 552:6, 552:13, 552:19, 552:25, 553:1, 553:6, 553:13, 553:19, 553:25, 554:1, 554:6, 554:13, 554:19, 554:25, 555:1, 555:6, 555:13, 555:19, 555:25, 556:1, 556:6, 556:13, 556:19, 556:25, 557:1, 557:6, 557:13, 557:19, 557:25, 558:1, 558:6, 558:13, 558:19, 558:25, 559:1, 559:6, 559:13, 559:19, 559:25, 560:1, 560:6, 560:13, 560:19, 560:25, 561:1, 561:6, 561:13, 561:19, 561:25, 562:1, 562:6, 562:13, 562:19, 562:25, 563:1, 563:6, 563:13, 563:19, 563:25, 564:1, 564:6, 564:13, 564:19, 564:25, 565:1, 565:6, 565:13, 565:19, 565:25, 566:1, 566:6, 566:13, 566:19, 566:25, 567:1, 567:6, 567:13, 567:19, 567:25, 568:1, 568:6, 568:13, 568:19, 568:25, 569:1, 569:6, 569:13, 569:19, 569:25, 570:1, 570:6, 570:13, 570:19, 570:25, 571:1, 571:6, 571:13, 571:19, 571:25, 572:1, 572:6, 572:13, 572:19, 572:25, 573:1, 573:6, 573:13, 573:19, 573:25, 574:1, 574:6, 574:13, 574:19, 574:25, 575:1, 575:6, 575:13, 575:19, 575:25, 576:1, 576:6, 576:13, 576:19, 576:25, 577:1, 577:6, 577</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

associate [1] - 650:9 ASSOCIATES [1] - 465:19 association [1] - 491:22 assume [6] - 466:9, 513:18, 516:13, 523:2, 572:16 assumed [1] - 481:23 assumes [1] - 589:23 assuming [3] - 597:4, 597:6, 628:21 assumption [1] - 555:5 atmosphere [7] - 497:7, 635:14, 635:20, 636:7, 636:14, 660:2, 660:7 attach [4] - 504:7, 521:10, 575:18, 576:24 attached [7] - 510:11, 528:15, 528:17, 529:4, 572:25, 573:8, 577:15 attaching [1] - 578:25 attachment [5] - 575:10, 575:13, 575:15, 577:8, 577:13 attachments [3] - 578:17, 644:2, 644:4 attention [2] - 487:23, 519:13 attentive [1] - 522:25 attorney [6] - 486:16, 501:8, 549:19, 550:9, 583:23, 622:1 attorney's [2] - 482:12, 501:19 authentic [1] - 511:25 authenticate [1] - 468:23, 469:7, 469:17, 469:18, 469:19, 469:21, 470:2, 470:12, 473:21, 474:6, 474:9 authenticated [2] - 469:9, 469:11 authentication [1] - 629:10 authenticity [1] - 511:7 authorize [2] - 554:12, 554:16 authorized [2] - 554:25, 558:13 automatically [1] - 511:18 available [3] - 475:20, 514:18, 514:20 Avenue [1] - 465:15 avoid [9] - 467:4, 495:5, 495:7, 495:8, 498:20, 511:6, 515:16, 646:23, 647:19 avoids [1] - 515:15 aware [13] - 494:1, 522:7, 542:9, 598:4, 605:5, 605:8, 605:18, 605:25, 608:12, 628:4, 628:21, 629:11, 637:25 awesome [10] - 526:10, 526:24, 527:2, 527:3, 527:4, 527:7, 534:2, 566:21, 567:19, 567:20	bag [1] - 645:21 balance [2] - 643:18, 643:21 bar [1] - 540:5 Barbara [1] - 585:18 bare [1] - 649:4 bartender [1] - 519:12 base [4] - 656:16, 656:17, 656:19, 656:22 based [12] - 469:1, 469:19, 500:8, 529:9, 535:23, 538:12, 553:8, 573:14, 606:10, 628:23, 632:5, 660:17 basics [1] - 575:24 basing [1] - 576:5 basis [2] - 471:3, 662:14 became [1] - 546:23 become [2] - 582:6, 631:13 becoming [1] - 546:22 BEFORE [1] - 465:11 beginning [5] - 539:25, 542:9, 600:19, 617:20, 661:16 behalf [3] - 554:13, 554:17, 558:13 behavior [3] - 472:22, 532:23, 545:25 behind [11] - 468:5, 558:5, 565:13, 565:18, 565:20, 565:22, 565:23, 570:21, 572:14, 636:24, 647:10 below [2] - 595:6, 595:10 benefits [4] - 661:10, 665:3, 665:6, 665:18 best [16] - 468:8, 492:11, 495:6, 495:9, 498:15, 507:20, 562:24, 563:3, 580:14, 581:1, 601:24, 604:22, 604:25, 632:13, 640:16 bet [2] - 638:18, 639:12 better [3] - 531:18, 560:24, 646:15 between [7] - 504:11, 521:12, 528:13, 554:5, 613:23, 622:8, 647:4 beyond [1] - 513:23 BIANCO [1] - 465:11 big [1] - 630:13 bill [3] - 466:18, 466:20, 467:2 Bill [5] - 482:14, 482:19, 482:21, 483:5, 484:21 binder [1] - 489:7 birthday [9] - 536:17, 546:25, 547:2, 585:1, 585:6, 585:7, 614:9, 614:14, 614:18 birthdays [1] - 614:6 bit [8] - 497:22, 499:15, 510:15, 543:25, 577:14, 590:7, 652:3 blame [1] - 494:17 blatant [1] - 544:7 Board [1] - 495:2 body [8] - 491:16, 504:8, 521:11, 528:10, 528:11, 528:15, 560:19, 574:2	Bohemia [1] - 465:20 Booth [5] - 482:14, 482:19, 482:21, 483:5, 484:21 booth [3] - 483:13, 484:12, 484:15 bother [1] - 598:24 bothered [1] - 544:8 bothering [1] - 498:23 bottom [1] - 482:1 bowling [1] - 499:21 boyfriend [4] - 539:5, 614:11, 642:12, 642:14 brains [2] - 521:22, 523:4 break [17] - 469:4, 475:24, 509:20, 509:22, 513:3, 556:24, 556:25, 557:1, 557:2, 557:8, 559:6, 627:13, 627:14, 628:12, 628:14, 631:21 breaking [1] - 642:14 briefly [1] - 666:16 bring [6] - 476:4, 501:5, 629:6, 632:22, 655:17, 664:7 broken [2] - 608:14, 642:11 Brooklyn [1] - 465:17 brought [5] - 472:8, 532:16, 533:15, 571:20, 664:6 built [2] - 575:11, 592:5 bunch [2] - 478:5, 637:14 BURRELL [2] - 650:13, 668:10 Burrell [5] - 472:9, 650:9, 650:11, 650:18, 650:22 business [28] - 474:9, 489:17, 512:3, 512:5, 512:11, 514:8, 581:9, 581:15, 581:21, 581:22, 581:24, 582:1, 582:24, 583:2, 583:5, 583:7, 583:8, 583:13, 583:15, 583:16, 584:5, 592:4, 615:15, 629:7, 630:11, 630:12, 630:16, 651:1 busted [1] - 598:5 busy [1] - 626:16 BY [99] - 465:20, 477:12, 479:14, 484:11, 491:14, 493:7, 494:13, 494:22, 496:7, 497:1, 497:20, 501:24, 504:2, 505:3, 505:14, 508:9, 508:17, 519:2, 525:1, 539:17, 548:17, 560:18, 562:4, 562:15, 564:11, 567:17, 568:12, 570:17, 572:23, 573:5, 575:4, 577:19, 579:13, 580:24, 581:5, 582:10, 582:23, 584:1, 584:12, 586:7, 588:5, 590:3, 593:20, 594:16, 594:23, 596:11, 596:16, 597:16, 597:22, 598:3, 598:18, 599:9, 601:4, 604:2, 608:11, 609:2, 609:9, 610:4, 610:13, 610:22, 613:21, 614:2, 616:16, 617:1, 617:22, 620:2, 624:13, 624:23, 626:21, 633:1, 634:18, 635:12, 635:19, 636:22, 638:5, 640:3,	641:8, 644:23, 650:21, 651:17, 653:6, 655:6, 655:16, 656:2, 656:11, 657:13, 659:2, 659:9, 660:1, 661:14, 662:18, 665:13, 668:3, 668:5, 668:6, 668:7, 668:9, 668:11, 668:12 C cab [2] - 561:20, 562:5 calm [1] - 579:18 camel [7] - 467:9, 468:6, 468:9, 468:16, 469:23, 473:11, 473:14 camera [8] - 468:5, 497:11, 526:3, 530:13, 530:15, 544:21, 638:1, 638:9 cannot [3] - 493:3, 501:7, 504:23 canopy [8] - 590:10, 615:1, 644:16, 645:8, 645:14, 645:23, 646:4, 647:6 capacity [1] - 538:17 car [1] - 475:2 Cardinale [3] - 516:7, 516:9, 539:22 CARDINALE [23] - 465:16, 518:16, 519:2, 523:11, 523:15, 524:7, 524:15, 525:1, 539:13, 540:1, 540:3, 543:6, 547:5, 547:15, 548:4, 548:17, 552:21, 553:6, 554:10, 556:17, 559:9, 668:5, 668:7 care [1] - 545:6 carefully [1] - 515:16 carpentry [2] - 651:2, 652:4 case [18] - 469:5, 477:6, 477:7, 495:12, 511:19, 512:18, 522:5, 522:14, 557:4, 557:16, 558:16, 559:5, 580:20, 595:3, 605:4, 606:8, 627:14, 667:2 cases [1] - 508:10 cast [7] - 608:1, 608:4, 608:7, 608:12, 608:20, 608:22, 609:7 catch [1] - 551:21 category [1] - 631:10 caught [1] - 598:5 caused [4] - 558:8, 571:18, 600:13, 601:9 celebrate [1] - 614:6 celebrating [1] - 614:9 cell [1] - 475:12 center [1] - 501:5 Central [2] - 465:5, 465:23 certain [1] - 512:5 certainly [3] - 474:8, 513:11, 629:3 certificate [1] - 500:18 certification [2] - 487:24, 489:12 certify [1] - 491:25 chance [4] - 507:10, 510:22
B			3

536:24, 537:1 change [1] - 506:18 changed [6] - 506:15, 506:24, 554:18, 623:10, 623:12, 623:13 changes [3] - 554:14, 555:8, 626:8 changing [1] - 554:4 characterization [2] - 610:7, 665:8 characterize [2] - 635:1, 636:7 charge [2] - 535:12, 535:14 chat [1] - 651:24 check [8] - 537:21, 537:24, 622:4, 622:5, 622:23, 622:25, 623:10, 644:1 checks [1] - 622:22 childlike [1] - 636:17 children [2] - 640:6, 641:2 chin [3] - 546:12, 646:21, 647:18 chit [1] - 651:24 chit-chat [1] - 651:24 choice [2] - 659:16, 659:20 chooses [2] - 494:18, 572:24 choose [1] - 468:12 chosen [1] - 473:24 chose [1] - 573:25 chute [2] - 645:17, 645:18 circumstances [3] - 514:25, 558:23, 640:11 claim [2] - 606:8, 606:10 claiming [1] - 588:11 clarifies [1] - 558:11 clarify [5] - 592:15, 601:20, 601:21, 601:22, 601:23 clear [8] - 478:10, 488:12, 488:13, 488:14, 489:23, 564:8, 627:5, 627:8 clearly [1] - 471:7 CLERK [4] - 466:2, 476:24, 518:17, 518:21 client [6] - 468:21, 469:15, 473:9, 514:15, 514:24, 587:17 clients [1] - 505:21 clip [1] - 524:25 close [16] - 498:1, 498:3, 498:6, 504:8, 520:5, 520:20, 521:11, 528:8, 534:22, 563:10, 563:12, 563:18, 564:14, 585:16, 610:24, 637:6 closely [6] - 562:10, 562:13, 562:16, 566:23, 572:25, 600:18 closeness [1] - 503:3 closest [1] - 647:3 co [2] - 508:20, 654:20 co-workers [2] - 508:20, 654:20 coffee [1] - 514:3 colder [2] - 662:2, 662:6 collateral [3] - 558:14, 558:24, 559:4 collectively [1] - 582:18	colloquy [3] - 601:19, 602:1, 602:3 comfort [6] - 507:8, 577:23, 578:13, 643:21, 646:11, 646:13 comfortable [3] - 498:16, 578:2, 578:3 coming [17] - 467:11, 467:13, 469:4, 469:8, 471:8, 473:15, 473:17, 485:6, 489:17, 489:19, 489:24, 551:6, 581:23, 608:5, 608:21, 608:22, 609:7 command [1] - 623:20 comment [19] - 469:24, 514:6, 529:18, 531:9, 535:21, 582:4, 583:2, 585:12, 616:14, 629:16, 639:23, 641:4, 641:5, 657:16, 657:21, 658:12, 659:3, 660:11 commented [1] - 659:15 comments [8] - 511:3, 512:9, 512:12, 512:14, 557:22, 583:17, 594:13, 654:23 common [1] - 652:1 Comp [5] - 606:24, 664:5, 664:9, 664:12, 665:4 company [5] - 474:6, 474:7, 651:3, 666:3, 666:5 company's [1] - 512:24 comparison [1] - 498:11 Compensation [8] - 605:4, 605:9, 605:12, 605:19, 606:1, 606:5, 606:9, 606:14 competent [1] - 652:7 complain [22] - 535:8, 535:12, 535:15, 536:9, 536:12, 536:16, 536:18, 536:20, 536:22, 537:24, 542:13, 542:14, 544:9, 544:24, 558:3, 558:9, 564:24, 609:23, 609:24, 610:5, 625:24 complained [31] - 512:19, 536:13, 536:15, 536:24, 537:6, 544:1, 544:3, 544:8, 544:14, 547:18, 562:23, 573:16, 580:6, 586:8, 588:6, 592:4, 592:9, 592:10, 594:4, 594:19, 609:25, 625:25, 626:1, 626:2, 640:20, 640:22, 640:23, 641:1, 660:6 complaining [6] - 468:14, 470:4, 537:4, 574:1, 626:10, 626:15 complains [2] - 572:25, 592:8 complaint [47] - 467:25, 470:3, 516:15, 537:2, 538:12, 538:18, 542:17, 546:2, 546:3, 547:16, 557:16, 557:18, 558:4, 558:5, 563:2, 573:1, 573:6, 573:22, 573:23, 574:3, 587:7, 588:10, 588:20, 588:22, 589:1, 592:11, 592:12, 592:16, 595:14, 610:19, 611:24, 613:16, 613:17, 620:6, 621:7, 625:18, 625:19, 625:20, 628:9, 628:10,	contribute [1] - 660:19 control [2] - 607:8, 626:9 conversation [8] - 538:12, 546:21, 556:10, 590:14, 609:6, 615:11, 625:1, 626:12 convey [1] - 557:22 copies [4] - 570:5, 570:6, 570:9, 570:11 copy [2] - 619:10, 639:4 cord [1] - 645:20 Corporate [1] - 465:19 correct [491] - 477:17, 477:21, 478:18, 479:4, 479:22, 479:23, 479:25, 480:6, 480:7, 480:10, 480:11, 480:17, 480:18, 480:20, 480:21, 480:23, 480:24, 480:25, 481:1, 481:6, 481:7, 481:10, 481:11, 481:13, 481:20, 481:21, 482:3, 482:4, 482:6, 482:7, 482:9, 482:10, 482:12, 482:13, 482:15, 482:16, 482:19, 482:20, 482:22, 482:23, 483:3, 483:4, 483:7, 483:8, 483:11, 483:12, 483:15, 483:16, 483:20, 483:21, 483:24, 483:25, 484:1, 484:6, 484:9, 484:19, 484:24, 484:25, 485:1, 485:4, 485:5, 485:7, 485:8, 485:9, 485:12, 485:13, 485:14, 485:15, 485:17, 485:18, 485:19, 485:20, 485:21, 485:24, 486:2, 486:3, 486:8, 486:9, 486:16, 486:17, 486:19, 486:20, 486:21, 486:22, 486:25, 487:4, 487:7, 487:10, 487:11, 487:13, 487:20, 488:5, 488:16, 491:19, 492:1, 492:2, 492:4, 492:5, 492:15, 492:23, 493:4, 493:16, 493:17, 493:21, 493:23, 493:24, 494:2, 494:3, 494:5, 494:6, 494:9, 494:19, 494:24, 494:25, 495:3, 495:4, 495:10, 495:14, 495:17, 495:20, 495:21, 496:16, 497:11, 497:12, 497:14, 497:15, 497:16, 497:17, 498:17, 498:18, 498:20, 498:21, 498:24, 498:25, 499:2, 499:6, 499:7, 499:12, 499:16, 499:22, 499:23, 499:25, 500:6, 500:10, 500:11, 500:15, 500:16, 500:18, 500:19, 500:20, 500:21, 500:24, 500:25, 501:2, 501:3, 501:5, 501:6, 501:8, 501:9, 501:12, 501:13, 501:16, 501:17, 501:20, 504:13, 504:14, 504:15, 504:16, 504:18, 504:19, 504:21, 504:22, 505:9, 505:16, 505:17,	4
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---

505:19, 505:20, 505:23, 506:9, 506:10, 507:1, 507:2, 507:8, 507:9, 507:11, 507:12, 507:14, 507:17, 507:18, 507:21, 507:22, 507:24, 508:2, 508:5, 508:18, 508:19, 508:20, 508:21, 509:1, 515:13, 518:3, 520:2, 520:6, 520:7, 520:14, 522:12, 523:15, 523:23, 527:14, 532:6, 532:10, 536:11, 537:12, 537:14, 558:19, 562:8, 562:9, 562:11, 562:17, 562:18, 562:20, 562:21, 562:25, 563:4, 563:7, 563:16, 563:23, 565:1, 565:3, 565:19, 565:20, 565:22, 566:10, 566:14, 566:21, 567:6, 567:12, 567:20, 567:21, 567:23, 567:24, 568:1, 568:19, 568:22, 570:21, 571:1, 571:4, 571:24, 572:3, 572:8, 572:14, 573:23, 574:11, 574:17, 575:7, 575:11, 575:14, 575:16, 575:17, 575:20, 576:23, 577:4, 577:10, 577:20, 577:23, 577:24, 578:3, 578:10, 578:11, 578:13, 578:18, 578:19, 578:21, 579:4, 579:5, 579:6, 579:10, 579:16, 579:17, 579:19, 579:20, 579:25, 580:5, 580:11, 580:14, 581:7, 581:9, 581:10, 581:12, 582:25, 583:1, 583:4, 583:17, 584:25, 585:2, 585:7, 585:9, 586:2, 588:7, 588:24, 588:25, 589:2, 589:4, 589:7, 589:8, 589:10, 589:11, 589:13, 589:14, 590:1, 590:6, 590:9, 591:10, 591:14, 592:13, 592:20, 593:3, 593:22, 594:3, 594:19, 595:1, 595:4, 595:7, 595:10, 595:14, 595:17, 595:21, 595:22, 597:19, 598:6, 598:11, 598:20, 599:5, 599:21, 599:23, 599:24, 600:7, 604:17, 605:9, 605:13, 605:19, 606:2, 606:3, 606:5, 606:15, 606:16, 606:19, 606:22, 607:2, 607:17, 607:24, 608:23, 609:14, 609:15, 609:17, 609:18, 609:19, 609:20, 609:21, 610:1, 610:19, 611:24, 612:7, 612:20, 613:8, 613:13, 613:14, 613:18, 613:24, 614:18, 615:23, 615:25, 616:3, 621:7, 621:10, 622:16, 622:19, 623:9, 623:16, 623:20, 623:23, 624:3, 624:9, 625:5, 625:12, 625:23, 626:4, 627:2, 627:6, 632:1, 633:6, 633:13, 634:21, 634:22, 635:22, 635:25, 636:4, 636:8, 636:11, 636:18, 636:25, 637:3, 637:7, 637:12, 637:19, 637:20, 637:23, 637:24, 638:6, 638:9,	518:8, 518:11, 518:24, 523:10, 524:10, 524:13, 524:18, 524:22, 529:8, 529:12, 529:22, 539:15, 540:2, 540:5, 541:3, 541:5, 543:8, 543:18, 547:6, 547:9, 547:19, 547:22, 548:5, 548:15, 549:17, 552:23, 553:10, 554:24, 555:4, 555:10, 556:18, 556:20, 557:1, 557:7, 560:4, 560:11, 562:2, 563:6, 564:1, 564:8, 567:8, 567:14, 568:10, 569:11, 570:3, 570:8, 570:13, 571:17, 571:22, 572:21, 573:4, 573:10, 573:18, 574:19, 574:24, 575:1, 575:9, 575:23, 577:18, 578:15, 579:12, 580:23, 581:3, 582:9, 582:12, 582:15, 582:19, 582:21, 583:21, 584:8, 584:18, 586:4, 586:6, 586:10, 587:5, 587:11, 587:17, 588:10, 589:22, 589:24, 590:2, 591:17, 591:20, 592:18, 593:10, 594:11, 594:21, 596:10, 596:14, 597:14, 597:21, 598:2, 598:17, 599:8, 600:23, 601:22, 602:4, 602:8, 603:2, 605:7, 605:15, 606:7, 608:10, 608:25, 609:5, 610:3, 610:9, 610:11, 610:17, 610:21, 611:2, 611:14, 611:19, 612:1, 612:22, 612:24, 613:10, 613:20, 614:1, 614:20, 616:9, 616:24, 617:6, 617:10, 617:21, 618:5, 619:4, 619:6, 619:12, 621:14, 624:12, 624:15, 624:19, 626:20, 627:13, 627:16, 627:19, 627:23, 627:25, 628:2, 628:12, 629:3, 629:9, 629:14, 629:20, 629:24, 630:3, 630:10, 630:23, 631:2, 631:13, 631:17, 631:20, 631:25, 632:7, 632:17, 632:22, 632:24, 633:21, 634:7, 634:14, 636:20, 638:4, 639:3, 640:2, 641:7, 641:16, 644:22, 648:5, 649:11, 649:15, 650:2, 650:11, 650:16, 650:19, 651:16, 652:21, 653:4, 655:5, 655:10, 655:12, 655:25, 656:10, 657:3, 657:6, 659:1, 659:7, 659:14, 659:24, 661:12, 662:14, 662:17, 663:9, 664:10, 664:13, 664:15, 664:18, 665:2, 665:10, 666:22, 667:5 court [13] - 491:1, 504:1, 542:1, 556:1, 556:2, 556:8, 573:19, 588:1, 604:1, 620:1, 624:20, 650:1, 665:1 Court [3] - 465:17, 465:22, 469:23 Courthouse [1] - 465:5 courtroom [8] - 476:5, 509:23,
	D
	d/b/a [1] - 465:6 damages [3] - 664:15, 664:16, 665:6 dancing [1] - 585:16 danger [5] - 495:8, 498:19, 499:12, 533:1, 559:3

<p>dangerous [5] - 480:20, 485:21, 493:25, 494:15, 494:18 date [3] - 519:14, 641:11, 641:21 David [8] - 467:7, 479:3, 488:15, 518:16, 518:23, 566:10, 572:7, 609:13 DAVID [2] - 518:18, 668:4 days [9] - 558:3, 609:16, 609:19, 610:5, 612:18, 612:20, 613:5, 613:17, 660:16 dead [1] - 487:9 deal [1] - 595:20 deaths [2] - 494:4, 508:4 decide [4] - 593:9, 593:16, 593:17, 628:21 decision [5] - 470:13, 470:25, 630:12, 630:16, 665:9 declaration [4] - 510:2, 510:12, 667:6 declarations [1] - 510:10 deem [2] - 491:12, 495:25 defendant [1] - 627:24 Defendant [1] - 478:23 Defendants [2] - 465:8, 465:19 Defendants' [4] - 509:3, 511:6, 552:20, 553:6 defendants' [5] - 489:3, 491:8, 491:9, 510:1 defending [1] - 501:19 defense [2] - 477:7, 477:8 define [1] - 585:3 definitely [6] - 473:17, 531:1, 531:5, 531:16, 531:21, 544:8 delay [1] - 558:5 demands [1] - 510:13 demonstration [1] - 565:25 dependent [1] - 615:15 deploy [1] - 645:15 deployed [1] - 645:9 deployment [1] - 645:21 deposed [1] - 508:1 deposition [90] - 467:20, 472:4, 478:2, 478:8, 510:25, 511:1, 511:16, 511:21, 516:12, 522:4, 522:10, 522:14, 522:21, 523:7, 523:9, 523:12, 526:13, 526:19, 527:9, 530:1, 530:18, 530:20, 531:15, 531:20, 534:14, 538:19, 538:25, 539:18, 548:21, 548:24, 548:25, 549:20, 549:21, 549:24, 550:12, 551:4, 551:18, 551:24, 551:25, 552:16, 554:3, 554:4, 554:11, 554:13, 556:15, 558:12, 561:15, 567:25, 569:4, 569:6, 569:8, 569:14, 569:16, 569:25, 570:12, 571:3, 572:5, 576:5, 588:12, 590:24, 591:10, 591:25, 592:24, 593:7, 593:12, 593:13, 599:25, 600:10,</p>	<p>617:17, 628:3, 629:23, 630:8, 630:9, 630:10, 630:14, 630:18, 630:22, 631:1, 631:3, 631:5, 635:3, 635:24, 635:25, 638:25, 639:3, 640:13, 642:25, 647:12, 658:3 describe [5] - 527:3, 544:18, 545:25, 583:23, 635:6 described [7] - 505:24, 521:25, 522:10, 533:7, 583:15, 614:5, 614:13 detail [3] - 549:5, 549:10, 549:12 details [8] - 538:15, 549:2, 549:6, 549:7, 549:9, 549:13, 549:15, 551:22 deteriorating [1] - 512:16 died [3] - 494:1, 507:23, 507:25 difference [3] - 489:9, 513:12, 630:13 different [9] - 500:7, 508:16, 514:14, 533:16, 548:9, 568:24, 577:14, 614:6, 627:18 differently [3] - 655:1, 655:13, 655:15 DIRECT [10] - 477:11, 519:1, 560:17, 650:20, 657:12, 668:3, 668:5, 668:9, 668:11, 668:12 direct [5] - 477:5, 519:13, 558:1, 558:7, 560:5 directing [1] - 487:23 directly [2] - 594:4, 647:10 Directors [1] - 495:2 disagree [1] - 578:22 discipline [2] - 594:24, 595:4 disclosed [1] - 469:14 disclosure [1] - 514:13 disclosures [3] - 471:13, 471:15, 471:18 discovery [4] - 467:15, 471:7, 472:3, 511:17 discriminate [2] - 605:18, 605:25 discrimination [1] - 664:11 discuss [8] - 466:6, 527:24, 528:1, 528:2, 557:4, 620:4, 627:14, 667:2 discussed [11] - 538:2, 538:3, 538:6, 538:8, 538:10, 546:14, 556:12, 582:12, 582:14, 620:6, 665:23 discussing [2] - 545:13, 549:23 discussion [5] - 545:11, 611:20, 612:2, 612:3, 656:15 disorder [2] - 492:23, 493:1 disorders [3] - 492:4, 492:15, 492:17 disregard [7] - 568:10, 583:22, 584:9, 594:12, 597:15, 616:10, 616:24 disrupt [1] - 585:15</p>	<p>523:1, 563:8, 576:14, 576:15, 580:13, 629:25, 631:15, 632:3, 632:4, 649:6, 649:9, 663:8 door [3] - 558:1, 571:2, 571:13 down [19] - 466:22, 472:19, 515:20, 516:19, 533:15, 556:20, 568:16, 582:17, 628:13, 628:14, 632:12, 642:23, 643:5, 643:12, 645:24, 646:3, 647:2, 650:6, 657:6 dress [1] - 576:17 dresser [3] - 577:25, 578:4, 578:8 dressers [3] - 576:21, 576:24, 577:1 dressing [2] - 563:17, 576:9 Drive [1] - 465:19 driving [2] - 546:21, 548:3 drogue [3] - 645:16, 645:17, 645:18 Drop [11] - 474:1, 478:13, 479:19, 485:11, 487:1, 528:7, 528:20, 561:2, 579:14, 594:25, 606:18 drop [1] - 560:21 drops [1] - 622:16 dropzone [1] - 654:7 Dropzone [1] - 654:11 dropzone.com [1] - 626:3 duke [1] - 544:11 due [1] - 468:23 duly [4] - 476:22, 518:19, 560:14, 650:14 dump [1] - 471:16 Duncan [13] - 467:8, 468:2, 469:3, 469:9, 469:11, 472:9, 474:19, 572:14, 572:15, 644:7, 644:9 during [27] - 469:4, 471:7, 472:4, 477:6, 477:8, 494:8, 507:20, 513:2, 513:13, 523:7, 525:10, 526:19, 527:8, 528:24, 529:10, 530:18, 531:15, 531:20, 544:22, 557:9, 573:8, 609:21, 613:6, 622:21, 623:22, 630:12, 639:24</p>
<p>E</p>		
<p>e-mail [12] - 508:22, 508:24, 508:25, 509:2, 509:4, 510:17, 510:18, 560:20, 596:13, 596:19, 607:7, 607:16 e-mailed [1] - 569:5 ear [2] - 543:5, 566:7 early [2] - 550:23, 557:1 ears [1] - 637:7 ease [1] - 640:17 easier [1] - 654:1 EASTERN [1] - 465:1 edition [1] - 513:18</p>		

effect [3] - 529:14, 638:18, 639:12 either [7] - 507:6, 536:12, 574:3, 616:20, 646:22, 647:18, 647:22 electrical [1] - 652:3 eligible [1] - 666:7 emotional [2] - 493:8, 493:15 employed [5] - 519:9, 523:25, 650:22, 650:24, 650:25 employee [10] - 595:10, 605:11, 605:19, 606:1, 606:4, 606:23, 607:7, 607:18, 607:19, 651:11 employees [8] - 471:14, 560:24, 594:25, 595:23, 596:4, 597:23, 615:16, 628:20 employment [2] - 470:25, 519:11 End [2] - 541:8, 555:13 end [14] - 487:9, 515:13, 526:5, 526:21, 534:21, 566:20, 567:18, 607:11, 607:15, 631:18, 631:19, 651:25, 662:12, 662:21 enduring [1] - 469:25 enhance [2] - 660:24, 661:6 enhancing [2] - 497:14, 661:1 enjoy [1] - 477:19 enjoyed [1] - 476:7 entailed [1] - 575:24 entered [3] - 476:5, 560:2, 632:23 enters [1] - 518:9 entire [11] - 479:24, 481:23, 484:1, 501:2, 560:23, 573:7, 573:8, 574:17, 597:13, 620:11, 666:5 entry [1] - 513:9 EOC [1] - 667:6 equal [1] - 532:24 equation [1] - 659:21 errata [4] - 554:14, 555:5, 555:7, 558:19 error [2] - 483:19, 558:18 escapade [7] - 641:5, 641:9, 641:10, 641:20, 641:24, 642:13, 642:14 escapades [6] - 641:14, 641:18, 641:22, 641:25, 642:4, 642:7 especially [2] - 547:25, 652:23 ESQ [4] - 465:14, 465:16, 465:20, 465:21 essentially [1] - 609:10 established [1] - 660:4 estate [4] - 466:18, 466:21, 476:16, 476:18 event [2] - 542:10, 641:10 evidence [37] - 479:13, 488:9, 488:23, 489:7, 491:13, 496:6, 510:3, 520:25, 521:3, 524:24, 543:17, 553:7, 560:12, 565:7, 568:3, 570:16, 582:19, 582:22,	exhibit [43] - 478:24, 479:13, 489:3, 489:20, 489:22, 491:3, 491:7, 491:13, 496:1, 496:6, 509:3, 509:8, 509:9, 510:1, 510:2, 510:16, 513:1, 520:25, 524:9, 524:13, 524:23, 552:20, 553:7, 560:10, 560:12, 563:25, 569:25, 582:22, 626:23, 627:11, 627:24, 633:9, 634:6, 634:17, 668:15, 668:16, 668:16, 668:17, 668:17 exhibit [12] - 467:20, 479:16, 488:8, 488:11, 509:12, 511:1, 511:2, 512:25, 564:9, 569:7, 627:23, 630:8 Exhibits [2] - 570:15, 668:18 exhibits [6] - 467:14, 467:19, 511:2, 511:6, 569:6, 570:13 EXHIBITS [1] - 668:14 exhilarating [1] - 487:12 exited [1] - 639:8 exiting [1] - 637:5 exits [1] - 557:5 expect [13] - 469:5, 471:18, 498:23, 505:4, 505:15, 505:18, 505:21, 507:13, 507:19, 576:15, 588:9, 610:14, 626:7 expectations [5] - 485:23, 486:23, 487:2, 487:3, 487:5 expecting [1] - 537:5 experience [16] - 485:12,	487:15, 507:13, 507:16, 526:22, 534:1, 547:12, 547:25, 548:11, 549:4, 557:10, 557:12, 560:23, 568:19, 568:22, 599:1 experienced [2] - 494:7, 581:17 expert [2] - 483:2, 483:5 explain [19] - 480:17, 480:22, 480:25, 481:2, 481:22, 482:1, 499:4, 507:6, 542:20, 542:21, 558:23, 574:21, 576:2, 624:6, 628:16, 628:17, 628:20, 632:21, 645:14 explained [5] - 480:19, 481:22, 520:4, 573:7, 574:10 explaining [2] - 486:11, 574:8 explanation [1] - 632:15 Express [1] - 466:3 EXPRESS [1] - 465:6 express [2] - 565:2, 568:24 expressed [2] - 567:19, 568:5 expression [1] - 568:15 extra [2] - 524:2, 619:11 extreme [4] - 492:20, 492:21, 492:22 extremely [1] - 492:25 eyes [1] - 500:24	far [6] - 473:11, 474:20, 529:10, 532:22, 564:24, 609:3 fast [3] - 503:7, 515:8, 571:9 faster [1] - 515:19 fear [1] - 608:5 federal [1] - 471:16 Federal [2] - 465:23, 469:23 feelings [1] - 547:17 fees [2] - 482:12, 501:19 fellow [1] - 544:5 felt [21] - 525:13, 532:25, 538:13, 538:17, 542:22, 544:13, 546:10, 547:8, 547:14, 547:25, 557:10, 557:25, 574:2, 614:22, 614:24, 640:10, 643:25, 657:21, 658:11, 658:20 female [4] - 652:23, 653:1, 653:21, 654:1 few [10] - 475:16, 528:21, 528:22, 568:23, 569:2, 571:12, 577:12, 590:8, 590:20, 609:16 fewer [2] - 662:2, 662:6 fifteen [1] - 528:22 figure [2] - 471:18, 629:17 file [1] - 545:7 filed [1] - 606:13 filling [1] - 606:9 filled [1] - 479:3 film [1] - 470:6 finally [1] - 468:6 fine [1] - 484:9 finger [1] - 565:15 fingers [1] - 544:20 finish [8] - 510:10, 577:18, 593:18, 609:5, 626:14, 632:1, 645:4, 662:5 finished [1] - 503:11 fire [9] - 589:15, 606:4, 606:13, 624:25, 625:19, 625:22, 628:10, 640:19, 641:1 -fired [9] - 580:4, 580:10, 590:6, 592:3, 634:19, 638:1, 665:15, 666:10, 666:12 first [38] - 466:8, 472:2, 476:22, 478:9, 478:14, 487:18, 488:2, 500:17, 518:19, 537:9, 538:11, 542:6, 548:2, 548:8, 550:9, 550:20, 551:1, 557:14, 581:15, 584:23, 585:20, 585:21, 588:10, 590:13, 590:19, 598:23, 614:12, 619:6, 629:6, 630:18, 630:22, 631:4, 633:21, 633:24, 634:6, 636:13, 650:14, 656:1 fit [1] - 649:8 fits [3] - 499:19, 500:5, 577:10 five [4] - 514:21, 531:17, 548:19, 550:2 flirtatious [1] - 542:23 flowing [1] - 571:8
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

flyers [1] - 495:3 flying [1] - 528:7 focal [1] - 533:2 focus [3] - 484:7, 566:18, 642:3 focusing [1] - 618:3 follow [3] - 539:22, 583:17, 604:9 follow-up [1] - 539:22 followed [1] - 607:10 following [40] - 466:1, 488:25, 489:1, 490:3, 491:1, 502:7, 503:1, 503:13, 504:1, 513:6, 514:21, 517:7, 540:6, 553:11, 557:13, 586:11, 587:1, 587:23, 588:1, 602:9, 603:1, 603:5, 604:1, 618:6, 619:1, 619:13, 620:1, 621:21, 621:24, 622:9, 623:5, 631:24, 648:6, 649:1, 649:18, 650:1, 663:10, 664:1, 664:20, 665:1 follows [4] - 476:23, 518:20, 560:16, 650:15 force [2] - 534:25, 567:9 forced [1] - 567:10 forget [1] - 644:16 form [23] - 520:19, 520:23, 521:18, 567:8, 573:4, 579:12, 582:9, 583:18, 584:7, 595:3, 599:6, 599:8, 608:10, 608:25, 610:10, 613:19, 617:4, 638:4, 638:15, 641:7, 644:22, 652:20, 659:14 formal [2] - 472:12, 654:9 formally [1] - 653:11 forms [4] - 520:8, 520:10, 520:12, 520:16 forth [2] - 487:3, 487:4 forward [1] - 560:25 foundation [8] - 511:14, 512:1, 512:3, 512:6, 627:12, 629:1, 629:5, 629:19 four [11] - 466:14, 531:17, 552:12, 569:22, 570:3, 570:13, 575:10, 575:13, 575:15, 577:8, 578:17 frame [1] - 534:21 free [10] - 475:10, 546:5, 598:10, 600:22, 628:20, 644:18, 644:24, 645:15, 645:17, 647:3 Friday [8] - 466:20, 536:6, 547:12, 609:23, 614:5, 621:16, 621:19, 623:4 friendly [1] - 652:25 front [6] - 523:9, 528:15, 530:1, 538:19, 539:19, 550:12 frustrated [1] - 626:17 fucking [3] - 527:4, 527:7, 567:20 full [5] - 514:13, 561:9, 622:6, 622:24, 622:25 fully [1] - 559:4	fun [4] - 584:25, 636:12, 636:14, 660:20 FunJump@SkydiveLongIsland [1] - 509:6 funjumps@SkydiveLongIsland.com [1] - 509:1 funny [1] - 636:16 furtherer [1] - 560:15	GREGORY [1] - 465:14 graped [1] - 546:3 ground [6] - 532:16, 534:4, 557:11, 576:14, 576:17, 646:16 grounds [2] - 494:11, 512:2 guess [11] - 516:11, 522:2, 523:4, 537:20, 539:6, 558:11, 558:18, 589:24, 597:11, 599:19, 629:9 guidelines [1] - 491:20 guy [18] - 482:14, 482:22, 529:6, 529:17, 530:9, 530:13, 530:15, 531:3, 600:1, 614:14, 614:17, 616:2, 638:20, 639:13, 657:18, 657:22, 658:13, 660:12 guys [2] - 596:21, 598:12	G	half [4] - 499:16, 613:12, 622:7, 626:8 hamming [3] - 468:4, 469:13, 497:11 hand [15] - 478:17, 478:23, 518:17, 520:24, 525:17, 525:20, 526:13, 552:19, 622:9, 622:25, 626:22, 636:24, 637:21, 661:4, 661:7 handing [2] - 509:3, 523:12 handle [1] - 494:21 hands [6] - 532:11, 532:20, 543:1, 545:19, 566:8, 611:4 hanging [1] - 647:7 happier [2] - 585:18, 585:22 happiness [5] - 567:19, 568:7, 568:13, 568:24, 570:18 happy [14] - 485:9, 485:10, 485:12, 525:24, 568:6, 568:17, 568:18, 568:21, 571:24, 571:25, 572:2, 572:7, 572:9, 592:6 hard [7] - 472:18, 472:19, 570:5, 570:6, 570:9, 570:10, 613:15 harm [1] - 520:13 harness [26] - 499:20, 500:3, 500:4, 504:5, 504:8, 507:7, 521:8, 521:10, 563:9, 575:12, 575:13, 576:6, 576:10, 576:13, 576:18, 576:19, 577:1, 577:7, 577:10, 577:12, 577:14, 578:5, 578:24, 579:1, 579:23, 647:8 harnessed [3] - 561:7, 561:8, 561:9 harnesses [5] - 500:2, 500:7, 576:7, 576:8, 576:22 head [6] - 566:7, 620:9, 646:23, 647:5, 647:9, 647:19 hear [18] - 525:7, 535:14, 565:19, 572:21, 591:21, 593:10, 616:3, 616:6, 616:13, 633:22, 634:9, 637:10, 654:14,	654:17, 654:20, 654:23, 655:17, 656:24 heard [22] - 474:16, 484:4, 497:13, 516:12, 565:18, 566:10, 579:8, 579:9, 589:3, 589:25, 605:3, 641:13, 642:4, 642:10, 654:6, 654:16, 656:4, 656:7, 656:17, 656:19, 660:23 hearing [1] - 656:22 hearsay [2] - 548:4, 557:11 heart [1] - 506:18 height [1] - 577:13 held [1] - 488:14 helmet [3] - 496:8, 496:13, 637:10 help [3] - 478:11, 564:22, 615:7 helps [2] - 477:24, 478:6 heterosexual [2] - 658:23, 659:21 highlight [1] - 468:12 highlights [1] - 468:16 himself [8] - 533:3, 578:10, 611:12, 654:8, 654:14, 659:11, 659:17, 659:20 hip [3] - 578:18, 578:25, 611:4 hips [10] - 528:17, 543:1, 545:19, 545:20, 566:8, 578:20, 579:5, 642:17, 642:19, 646:7 hired [2] - 590:15, 654:7 history [5] - 545:15, 566:16, 566:17, 615:10, 624:4 hit [1] - 658:23 hitting [6] - 617:24, 620:12, 620:14, 620:25, 646:23, 647:19 hoc [1] - 574:14 Hold [1] - 596:14 hold [7] - 472:19, 481:19, 493:3, 510:6, 520:12, 524:18, 564:1 holding [1] - 481:12 home [14] - 466:20, 476:17, 533:11, 535:17, 546:18, 546:21, 548:3, 550:10, 551:6, 551:8, 621:10, 662:11, 662:20, 667:3 homosexual [2] - 590:12, 591:9 honest [1] - 472:6 Honor [50] - 470:15, 472:5, 472:10, 472:11, 472:14, 472:15, 484:1, 488:6, 488:21, 495:22, 502:3, 509:17, 514:12, 521:1, 523:8, 524:7, 524:9, 524:12, 524:21, 539:14, 540:1, 543:7, 543:16, 552:22, 553:6, 553:8, 554:10, 555:12, 556:23, 559:8, 559:9, 561:24, 569:10, 571:16, 593:5, 597:12, 598:15, 601:25, 611:15, 617:18, 618:1, 619:9, 627:7, 629:15, 631:22, 648:4, 650:8, 667:8 HONORABLE [1] - 465:11 hope [3] - 476:7, 542:7, 631:17	8
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---

hoping [2] - 609:10, 632:2 horizontally [1] - 647:11 hotel [1] - 466:16 hour [4] - 475:7, 475:9, 476:1, 645:19 hours [1] - 626:18 human [1] - 483:19 hurt [1] - 606:24 hypothetical [4] - 597:20, 598:1, 630:5, 631:14 hypothetically [1] - 597:5	indicated [1] - 548:18 indicating [1] - 541:4 individual [1] - 469:18 individuals [1] - 472:8 inform [3] - 527:21, 599:3, 599:10 information [21] - 482:18, 547:10, 557:19, 557:23, 584:2, 584:5, 584:24, 585:2, 585:3, 585:4, 585:5, 585:9, 585:24, 597:10, 597:18, 614:16, 640:8, 640:16, 644:14, 665:21, 665:24 informed [1] - 572:17 inherent [1] - 483:14 inherently [5] - 485:21, 493:25, 494:14, 494:18, 572:18 initial [8] - 471:12, 471:15, 500:14, 500:20, 504:15, 504:18, 505:9, 612:3 injured [4] - 480:22, 600:4, 605:12, 606:17 injury [14] - 493:4, 493:8, 493:14, 493:15, 580:11, 600:13, 601:6, 601:9, 604:5, 604:11, 608:14, 646:10, 646:12 instance [1] - 499:4 instances [1] - 499:8 instead [1] - 629:2 instruct [1] - 660:19 instructed [4] - 529:5, 566:25, 572:11, 572:20 instruction [2] - 574:14, 607:10 instructions [1] - 520:2 instructor [68] - 484:16, 495:5, 495:9, 497:3, 498:15, 498:19, 498:23, 499:10, 499:15, 499:17, 500:6, 504:13, 504:20, 507:4, 507:6, 508:18, 520:6, 520:17, 520:20, 527:17, 527:21, 527:25, 528:3, 528:8, 528:25, 530:10, 532:9, 532:17, 533:16, 544:19, 545:11, 545:17, 545:18, 548:9, 560:22, 562:17, 564:15, 573:1, 575:19, 576:10, 576:12, 576:16, 576:20, 576:24, 577:5, 577:6, 577:9, 577:20, 578:1, 578:5, 578:9, 580:10, 599:1, 599:20, 599:23, 625:16, 637:5, 637:9, 644:1, 646:20, 646:21, 647:16, 647:17, 651:10, 651:22, 654:11, 654:12 instructor's [7] - 481:9, 527:19, 528:11, 528:13, 528:17, 532:11, 574:13 instructors [20] - 495:3, 507:13, 507:19, 525:11, 530:11, 531:4, 544:5, 561:10, 563:17, 563:22, 580:16, 580:18, 596:20, 598:9, 598:12, 625:13, 639:11, 656:7, 660:19	insurance [1] - 664:9 insurance [4] - 605:4, 605:9, 606:1, 664:14 intending [1] - 470:19 intention [1] - 607:22 interact [1] - 652:11 interest [1] - 659:11 interests [1] - 652:1 interminable [2] - 588:6, 588:21 Internet [3] - 584:14, 586:2, 588:20 interrupt [2] - 518:14, 650:5 intricacies [1] - 505:22 introduce [5] - 469:15, 510:3, 587:11, 654:8, 654:14 introduced [2] - 489:19, 577:5 introducing [5] - 467:6, 472:5, 474:15, 587:7, 587:8 invading [1] - 505:25 investigate [3] - 562:25, 563:4, 589:6 investigating [1] - 589:9 investigation [3] - 615:3, 615:10, 628:22 involuntary [1] - 571:14 involved [4] - 470:24, 473:22, 474:7, 495:12 involvement [1] - 473:6 irritated [1] - 546:20 Island [45] - 468:7, 473:8, 473:10, 479:3, 480:13, 481:3, 481:4, 485:7, 493:4, 494:4, 494:17, 495:19, 500:10, 504:4, 504:5, 504:6, 506:18, 506:20, 506:25, 521:7, 521:9, 523:23, 524:2, 525:21, 526:6, 531:17, 543:2, 543:17, 544:22, 546:15, 547:12, 557:25, 560:22, 560:25, 567:22, 573:8, 580:2, 600:13, 600:20, 601:5, 601:9, 601:12, 609:16, 610:6, 611:9, 612:8, 613:7, 613:23, 614:13, 620:11, 621:18, 623:4, 635:15, 635:21, 637:15, 639:24, 639:25, 646:25, 654:1, 660:15, 661:18 ISLAND [1] - 465:7 Island's [1] - 512:10 Islip [2] - 465:5, 465:23 issue [10] - 472:9, 472:14, 509:24, 510:9, 513:11, 554:2, 554:24, 557:25, 558:24, 665:6 issued [2] - 542:17, 622:23 issues [4] - 466:7, 509:18, 557:16, 559:4 it;s [1] - 577:15 itself [4] - 467:20, 510:17, 554:20, 567:14	joining [1] - 466:16 joke [17] - 522:6, 523:20, 529:14, 530:7, 530:23, 531:23, 531:25, 532:1, 579:24, 580:5, 638:18, 639:7, 639:11, 639:20, 639:21, 657:23, 659:3 jokes [5] - 579:14, 580:6, 636:17, 660:3, 660:5 joking [2] - 579:8, 579:21 JOSEPH [1] - 465:11 judge [33] - 467:12, 467:18, 471:16, 473:7, 474:10, 476:12, 490:1, 491:8, 503:8, 511:23, 513:4, 515:8, 515:10, 515:17, 560:9, 564:7, 571:20, 587:14, 594:14, 600:22, 601:20, 602:3, 626:19, 627:11, 632:5, 632:12, 633:20, 640:25, 649:9, 657:2, 663:7, 665:9, 665:12 JUDGE [1] - 465:11 Judge [4] - 516:2, 517:4, 518:2, 554:2 judges [1] - 665:10 judgment [12] - 507:20, 523:3, 532:6, 532:9, 532:20, 532:23, 581:1, 632:13, 640:11, 640:17, 643:17, 643:20 jump [65] - 470:5, 470:6, 481:20, 483:7, 483:15, 483:19, 486:24, 493:17, 493:23, 494:24, 495:2, 495:5, 498:12, 500:10, 504:4, 504:5, 504:6, 506:18, 506:20, 506:25, 521:7, 521:9, 523:23, 524:2, 525:21, 526:6, 531:17, 543:2, 543:17, 544:22, 546:15, 547:12, 557:25, 560:22, 560:25, 567:22, 573:8, 580:2, 600:13, 600:20, 601:5, 601:9, 601:12, 609:16, 610:6, 611:9, 612:8, 613:7, 613:23, 614:13, 620:11, 621:18, 623:4, 635:15, 635:21, 637:15, 639:24, 639:25, 646:25, 654:1, 660:15, 661:18 jumped [4] - 533:18, 533:20, 571:9, 613:5 jumper [3] - 503:4, 510:19, 512:18 JumperRay@optonline.net [1] - 509:5 jumpers [2] - 581:17 jumping [9] - 515:20, 545:17, 651:24, 652:19, 656:16, 656:17, 656:20, 656:20, 656:23, 656:24 jumpmaster [1] - 521:9 jumps [14] - 497:8, 507:24, 507:25, 527:6, 582:3, 612:14, 613:2, 613:6, 613:11, 613:22, 621:16, 621:17, 622:20, 661:21 umpsuit [1] - 499:24 umpsuits [1] - 500:1
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>June [9] - 519:13, 519:23, 520:1, 525:3, 527:13, 536:3, 536:8, 536:15, 549:18 jurors [2] - 466:5, 466:19 Jury [1] - 465:11 jury [33] - 472:25, 476:4, 476:5, 476:6, 476:14, 489:23, 491:2, 496:5, 509:23, 518:9, 521:6, 524:14, 541:1, 554:1, 557:5, 557:17, 560:2, 568:10, 573:12, 584:9, 593:8, 593:10, 593:16, 593:17, 594:12, 597:15, 616:10, 616:13, 616:24, 627:15, 632:22, 632:23, 667:4</p> <p>K</p> <p>K-E-N-G-L-E [1] - 518:23 Kansas [1] - 560:22 keep [5] - 472:25, 489:24, 569:20, 579:18, 590:16 keeping [1] - 476:8 Kellinger [5] - 471:22, 472:2, 472:7, 472:10, 598:21 KENGLE [4] - 518:4, 518:7, 518:18, 668:4 Kengle [62] - 467:7, 467:23, 467:24, 467:25, 468:23, 468:25, 469:2, 470:10, 470:20, 471:1, 471:7, 474:15, 474:20, 475:9, 478:20, 479:4, 484:3, 488:15, 516:2, 516:25, 517:1, 517:5, 518:3, 518:16, 518:24, 519:7, 524:15, 526:15, 539:18, 542:2, 542:12, 543:19, 548:18, 556:2, 556:20, 557:10, 557:19, 558:11, 566:10, 567:20, 572:7, 609:14, 609:16, 610:23, 616:18, 617:7, 617:11, 620:4, 621:6, 634:20, 638:17, 638:22, 639:6, 644:7, 644:10, 657:16, 657:21, 658:6, 658:11 Kengle's [7] - 468:21, 516:24, 610:18, 638:6, 639:23, 657:17, 658:12 kept [3] - 543:1, 636:9, 649:3 Kevin [1] - 627:21 kicks [1] - 571:12 kidding [1] - 580:7 killed [1] - 480:25 kind [9] - 510:15, 523:3, 544:4, 545:14, 545:15, 545:23, 546:19, 548:10, 613:15 king [1] - 525:2 kiss [1] - 638:15 kissing [1] - 638:1 knowing [2] - 523:1, 607:10 knowledgeable [1] - 482:21 knows [3] - 580:14, 584:18, 656:1</p>	<p>L</p> <p>lack [1] - 627:12 ladies [4] - 589:2, 589:18, 626:10, 626:16 lady [1] - 627:3 land [2] - 545:15, 646:5 landed [4] - 533:22, 533:24, 535:11, 568:5 landing [3] - 534:12, 535:18, 646:17 large [1] - 598:5 large-busted [1] - 598:5 last [14] - 478:18, 497:13, 505:24, 516:10, 518:12, 556:3, 558:10, 574:7, 585:17, 588:2, 641:13, 642:4, 644:18, 650:17 late [1] - 550:23 laugh [1] - 530:12 LAURA [1] - 465:21 Lauren [3] - 665:22, 666:11, 666:14 law [2] - 573:12, 606:4 laws [1] - 666:2 lawsuit [1] - 545:8 lawyers [2] - 522:8, 593:11 lay [1] - 512:1 laying [1] - 512:6 layout [1] - 545:14 lays [1] - 511:13 lead [2] - 466:11, 516:9 leading [4] - 466:10, 495:19, 543:6, 653:3 learned [1] - 468:9 least [4] - 466:14, 500:24, 508:4, 613:13 leave [3] - 585:15, 615:16, 649:15 leaving [1] - 615:14 led [1] - 600:8 left [13] - 470:18, 497:22, 509:23, 523:3, 543:23, 566:8, 627:15, 632:11, 637:11, 646:22, 647:10, 647:18, 667:4 leg [1] - 608:1 legal [7] - 480:3, 480:4, 521:25, 522:8, 522:11, 523:4, 523:17 legitimate [3] - 574:3, 587:3, 643:12 legs [3] - 528:13, 566:8, 620:9 length [1] - 630:24 less [2] - 663:2, 663:5 letter [7] - 606:25, 665:20, 665:22, 665:23, 666:8, 666:11, 666:14 letters [1] - 607:5 letting [3] - 563:18, 584:22, 666:5 levels [1] - 594:24 LI [2] - 514:14, 581:18 liability [3] - 481:5, 481:12,</p>	<p>M</p> <p>M-A-Y-N-A-R-D [1] - 477:1 mail [12] - 508:22, 508:24, 508:25, 509:2, 509:4, 510:17, 510:18, 560:20, 596:13, 596:19, 607:7, 607:16 mailed [1] - 569:5 main [2] - 544:3, 661:15 male [5] - 598:9, 615:23, 615:25, 616:3, 653:20 malfunction [1] - 483:19 manager [1] - 535:12 mandatory [4] - 606:17, 606:25, 607:16, 607:18 manipulate [1] - 505:18 manipulating [1] - 580:13 manipulation [2] - 554:6, 554:7 manner [3] - 532:3, 563:1, 580:14 marked [5] - 467:19, 489:2, 511:1, 552:19, 630:8 married [2] - 640:5, 641:2 master [15] - 504:6, 504:7, 504:9, 504:11, 521:10, 521:12, 521:13, 560:22, 567:23, 577:8, 577:11, 577:15, 579:2, 579:3, 647:8 masters [1] - 495:2 matches [1] - 600:18 matter [11] - 484:18, 518:13, 557:20, 585:18, 592:8, 592:10, 598:25, 620:16, 620:20, 625:13, 631:2 matters [1] - 620:21 MAYNARD [5] - 465:7, 476:21, 560:13, 668:2, 668:8 Maynard [53] - 467:6, 469:6, 470:11, 470:22, 473:5, 473:9, 474:13, 475:4, 475:18, 475:25, 477:1, 477:6, 477:7, 477:13, 488:15, 510:11, 510:22, 511:16, 513:10, 537:8, 537:11, 537:15, 537:21, 538:2, 538:6, 538:9, 539:10, 542:16, 542:22, 542:25, 543:4, 543:10, 544:2, 544:9, 544:24, 545:3, 545:6, 547:1, 556:13, 557:15, 557:16, 557:18, 557:24, 559:7, 560:7, 560:19, 561:2, 628:20, 630:25, 632:20, 633:2, 650:5, 657:8 Maynard's [5] - 467:20, 474:24, 474:25, 518:14, 560:5 McVie [1] - 561:1 mean [30] - 479:5, 479:6, 479:19, 479:20, 485:10, 487:1, 487:5, 508:15, 510:12, 511:21, 513:23, 522:8, 522:24, 525:20, 529:24, 531:18, 533:7, 546:7, 549:20, 551:22, 554:22, 574:8, 595:19, 605:20, 605:22, 626:5,</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>630:11, 642:8, 651:21, 652:22 meaning [2] - 525:5, 556:7 means [6] - 481:12, 481:17, 501:14, 522:2, 523:20, 645:14 meantime [1] - 468:14 mechanical [1] - 465:25 medical [6] - 487:24, 488:3, 489:11, 492:4, 492:10, 500:17 meet [4] - 550:2, 550:4, 550:6, 551:23 meeting [11] - 549:21, 606:18, 606:21, 607:1, 607:6, 607:16, 607:18, 612:4, 612:5, 612:9, 654:10 meetings [2] - 549:22, 607:5 Melissa [2] - 466:19, 476:15 members [2] - 476:6, 491:2 memory [3] - 531:18, 604:23, 645:2 men [5] - 504:17, 579:8, 579:14, 579:15 mentally [2] - 492:12, 492:14 mention [7] - 492:14, 514:8, 546:25, 617:2, 617:3, 653:12, 659:16 mentioned [7] - 472:3, 539:5, 539:23, 542:3, 547:3, 597:7, 653:11 mentioning [1] - 539:2 message [1] - 537:10 met [11] - 519:3, 549:18, 549:25, 550:9, 550:20, 551:11, 551:17, 551:25, 554:14, 554:22, 585:22 method [1] - 629:10 middle [2] - 523:19, 661:17 might [10] - 499:1, 499:8, 499:14, 507:7, 563:14, 569:11, 643:25, 658:5, 658:10, 658:20 miles [1] - 645:18 mind [11] - 506:15, 506:25, 512:14, 558:6, 561:9, 567:3, 623:10, 623:12, 623:13, 639:24, 659:25 minimum [3] - 471:22, 608:15, 649:4 minute [4] - 535:7, 583:8, 642:3, 649:6 minutes [22] - 475:3, 475:5, 475:17, 475:21, 503:6, 515:25, 528:21, 528:22, 549:5, 566:4, 571:12, 577:3, 620:4, 620:5, 632:5, 632:8, 632:14, 632:18, 644:19, 645:1, 645:5, 649:3 mis [1] - 645:2 mis-memory [1] - 645:2 misheard [1] - 664:18 mishegas [1] - 515:16 mislead [2] - 514:17, 515:2 misleading [1] - 529:9 mistake [4] - 501:14, 607:8, 665:2, 665:9 </p>	<p>mistaken [1] - 664:8 mistakes [1] - 665:10 moment [3] - 470:15, 495:23, 512:13 Monday [11] - 536:14, 536:15, 536:22, 546:24, 558:9, 615:17, 621:18, 621:25, 622:4, 622:8, 623:2 money [18] - 524:2, 536:25, 537:2, 537:3, 537:4, 537:15, 621:6, 621:9, 622:5, 622:6, 622:9, 622:20, 622:24, 623:2, 623:3, 623:5, 623:8, 666:4 month [1] - 556:3 months [1] - 608:2 Moore [6] - 466:18, 466:20, 467:2, 467:3, 476:17 morning [11] - 475:24, 476:6, 476:7, 477:13, 477:14, 509:22, 546:24, 558:9, 582:13, 638:6, 666:25 most [8] - 480:16, 500:8, 569:1, 576:7, 576:10, 595:3, 596:1, 600:18 motion [1] - 472:12 motions [1] - 510:4 mouth [7] - 544:5, 544:20, 565:15, 592:6, 637:6, 646:23, 647:20 move [11] - 508:16, 515:5, 515:25, 516:24, 553:6, 567:11, 577:13, 594:15, 597:13, 624:3, 627:10 moved [4] - 488:23, 489:6, 534:22, 567:11 moving [3] - 471:3, 488:22, 571:2 MR [474] - 466:7, 466:12, 466:25, 467:1, 467:3, 467:7, 467:12, 467:17, 467:23, 468:20, 470:4, 470:15, 470:19, 470:21, 471:2, 471:11, 472:1, 473:1, 473:7, 473:14, 473:23, 474:4, 474:10, 474:13, 474:18, 474:20, 474:25, 475:1, 475:6, 475:8, 475:13, 475:16, 475:20, 475:22, 475:23, 476:3, 476:12, 477:12, 479:9, 479:11, 479:14, 484:1, 484:5, 484:10, 484:11, 488:6, 488:10, 488:13, 488:17, 488:21, 489:2, 489:4, 489:11, 489:15, 489:18, 489:21, 490:1, 490:2, 491:8, 491:10, 491:14, 493:5, 493:7, 493:10, 493:18, 494:10, 494:13, 494:20, 494:22, 495:22, 495:25, 496:3, 496:7, 496:17, 497:1, 497:20, 501:21, 501:24, 502:3, 502:5, 503:2, 503:7, 503:11, 504:2, 505:1, 505:3, 505:7, 505:11, 505:14, 508:6, 508:9, 508:12, 508:17, 509:7, 509:11, 509:13,</p>	<p>509:14, 509:16, 509:17, 509:25, 510:5, 510:7, 510:14, 510:24, 511:10, 511:13, 511:23, 512:8, 512:13, 512:24, 513:1, 513:4, 513:19, 513:22, 514:1, 514:4, 514:6, 514:11, 514:12, 514:19, 516:8, 516:16, 516:23, 517:1, 517:4, 517:8, 517:18, 517:22, 518:1, 518:2, 518:13, 518:17, 518:20, 518:24, 518:28, 519:7, 519:8, 519:9, 520:2, 521:13, 521:16, 521:23, 522:8, 522:19, 522:23, 523:1, 523:19, 523:21, 523:25, 524:1, 524:17, 524:21, 525:1, 525:15, 525:21, 526:1, 526:19, 526:21, 527:1, 527:19, 527:23, 528:1, 528:2, 528:13, 529:1, 529:15, 529:19, 530:1, 530:17, 531:1, 531:19, 531:21, 531:25, 532:1, 532:2, 532:17, 533:1, 533:19, 533:21, 534:1, 534:17, 534:21, 535:1, 535:15, 535:19, 536:1, 536:17, 536:21, 537:1, 537:19, 537:23, 538:1, 538:17, 538:21, 539:1, 539:19, 539:23, 540:1, 540:17, 541:1, 541:19, 541:23, 542:1, 542:17, 542:21, 543:1, 543:19, 543:23, 544:1, 544:17, 544:21, 545:1, 545:19, 545:23, 546:1, 546:17, 546:21, 547:1, 547:19, 547:23, 548:1, 548:17, 548:21, 549:1, 549:19, 549:23, 550:1, 550:17, 551:1, 551:19, 551:23, 552:1, 552:17, 553:1, 553:19, 553:23, 554:1, 554:17, 554:21, 555:1, 555:19, 555:23, 556:1, 556:17, 556:21, 557:1, 557:19, 557:23, 558:1, 558:17, 558:21, 559:1, 559:19, 559:23, 560:1, 560:17, 561:1, 561:19, 561:23, 562:1, 562:17, 563:1, 563:19, 563:23, 564:1, 564:17, 564:21, 565:1, 565:19, 565:23, 566:1, 566:17, 567:1, 567:19, 567:23, 568:1, 568:17, 568:21, 569:1, 569:19, 569:23, 570:1, 570:17, 571:1, 571:19, 571:23, 572:1, 572:17, 573:1, 573:19, 573:23, 574:1, 574:17, 574:21, 575:1, 575:19, 575:23, 576:1, 576:17, 577:1, 577:19, 578:1, 578:17, 578:21, 579:1</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>negligence [1] - 481:10 negligent [2] - 501:12, 604:17 nervous [6] - 492:15, 492:17, 492:19, 492:23, 492:25, 493:1 neutralizing [3] - 605:20, 605:22, 605:23 never [34] - 468:21, 469:6, 469:13, 469:16, 470:12, 470:13, 470:24, 471:7, 471:22, 473:5, 479:5, 483:10, 493:22, 519:3, 519:5, 533:12, 537:11, 538:3, 538:6, 538:8, 554:13, 566:8, 576:15, 580:4, 580:10, 582:6, 585:22, 612:4, 623:4, 631:7, 631:8, 642:16, 642:19, 653:8 NEW [1] - 465:1 New [9] - 465:15, 465:17, 465:20, 465:23, 471:13, 527:22, 627:21 next [9] - 476:11, 488:19, 536:12, 560:25, 581:3, 585:11, 594:17, 621:17, 621:25 nice [1] - 653:14 night [3] - 585:17, 585:21, 667:3 nobody [5] - 492:10, 567:10, 590:16, 640:20, 640:22 none [1] - 467:13 normal [4] - 480:5, 565:17, 604:15, 629:13 normally [2] - 578:5, 581:16 note [2] - 516:2, 560:21 noted [1] - 466:4 nothing [16] - 466:13, 540:3, 548:14, 556:19, 566:13, 566:15, 590:18, 591:9, 591:13, 592:3, 598:24, 610:18, 637:18, 637:22, 644:9, 660:7 notice [6] - 497:21, 546:19, 558:17, 568:3, 627:16, 665:14 noticed [3] - 544:4, 544:6, 653:1 November [3] - 522:15, 551:18, 661:17 novices [1] - 483:10 nowhere [1] - 554:4 number [7] - 489:24, 512:25, 528:23, 549:5, 569:7, 582:15, 588:22 numerous [1] - 472:4 NY [1] - 465:5 </p>	<p>587:9, 593:5, 597:12, 598:15, 601:17, 617:4, 627:12, 632:20, 656:8, 665:8 objected [1] - 512:2 Objection [2] - 496:17, 626:19 objection [144] - 466:10, 466:24, 467:1, 469:8, 471:5, 474:14, 474:17, 479:8, 479:9, 484:1, 488:17, 489:16, 491:5, 493:5, 493:10, 493:18, 494:10, 494:20, 496:2, 496:3, 501:21, 502:3, 502:4, 505:1, 505:7, 505:11, 508:6, 508:6, 508:7, 508:12, 508:14, 509:7, 510:17, 510:20, 511:12, 515:13, 516:17, 516:22, 523:8, 524:10, 529:7, 529:8, 529:21, 540:1, 540:2, 543:6, 547:5, 547:15, 548:4, 549:16, 555:10, 557:11, 562:12, 563:5, 564:2, 564:7, 567:5, 567:7, 567:13, 568:9, 569:3, 569:15, 569:16, 569:18, 569:21, 569:23, 570:3, 571:16, 571:21, 573:3, 573:9, 574:18, 574:23, 575:8, 575:21, 578:14, 579:11, 580:22, 581:2, 582:8, 584:7, 584:17, 586:3, 586:4, 586:9, 587:5, 587:6, 589:21, 589:22, 591:16, 592:14, 592:17, 594:10, 594:20, 596:9, 597:20, 599:6, 605:6, 605:14, 606:6, 607:13, 608:9, 608:24, 609:4, 610:2, 610:8, 610:16, 610:20, 611:1, 611:13, 611:15, 611:25, 612:11, 612:21, 613:9, 613:19, 613:25, 614:19, 616:8, 616:23, 621:13, 624:10, 627:7, 632:15, 634:8, 635:16, 636:19, 638:2, 640:1, 641:6, 641:15, 644:21, 651:15, 652:20, 653:3, 655:4, 655:24, 658:25, 659:6, 659:13, 659:19, 659:23, 661:11, 662:13 objections [8] - 467:10, 469:1, 503:8, 515:12, 557:9, 557:13, 649:3, 649:10 objects [1] - 632:6 observations [1] - 546:14 observe [6] - 533:8, 652:5, 652:7, 652:9, 652:18, 653:16 observed [3] - 472:22, 528:24, 534:11 obviously [7] - 510:9, 518:13, 557:14, 558:15, 558:22, 628:20, 632:10 occasion [4] - 652:11, 653:18, 653:19, 654:16 occasions [2] - 491:23, 503:3 occur [1] - 646:10 occurred [18] - 489:1, 491:1, 503:1, 504:1, 513:6, 548:19, 587:1, 588:1, 603:1, 604:1, </p>	<p>619:1, 620:1, 628:5, 631:24, 649:1, 650:1, 664:1, 665:1 occurs [1] - 579:21 October [4] - 465:8, 627:22, 628:6, 630:2 odd [1] - 653:22 OF [2] - 465:1, 465:10 offended [2] - 531:23, 531:24 offensive [1] - 535:21 office [9] - 554:22, 554:23, 555:6, 584:2, 584:21, 589:2, 607:9, 609:13, 626:16 Official [1] - 465:22 often [3] - 579:8, 579:14, 655:17 old [2] - 508:24, 601:12 once [5] - 469:8, 477:21, 550:22, 638:21, 650:12 one [79] - 467:7, 467:25, 470:15, 473:2, 473:7, 473:13, 473:18, 478:13, 479:3, 486:11, 489:14, 491:6, 491:11, 496:14, 499:19, 499:24, 500:5, 508:4, 509:11, 509:18, 513:24, 514:1, 514:14, 514:18, 514:21, 522:21, 526:14, 526:15, 530:4, 530:20, 534:15, 538:21, 539:21, 550:14, 560:10, 560:11, 560:12, 560:20, 561:15, 561:25, 562:1, 564:9, 581:6, 581:15, 581:17, 581:20, 581:21, 581:22, 581:25, 582:1, 582:2, 582:7, 582:24, 583:2, 583:5, 583:7, 583:8, 583:13, 583:15, 583:16, 584:14, 584:22, 585:11, 586:11, 587:23, 588:15, 590:24, 592:24, 599:13, 600:10, 600:11, 601:13, 601:25, 602:4, 602:7, 602:9, 603:5, 604:8, 604:14, 617:17, 618:6, 619:13, 634:6, 634:15, 635:3, 635:4, 635:6, 635:10, 635:16, 639:1, 642:25, 643:1, 643:3, 643:5, 647:12, 648:6, 649:18, 658:4, 663:10, 664:20, 668:17 pages [4] - 509:14, 514:15, </p>
<p>O</p>	<p>o'clock [1] - 468:24 oath [5] - 522:17, 553:4, 560:6, 594:5, 657:10 object [22] - 467:12, 469:19, 469:20, 471:21, 488:7, 488:21, 553:8, 572:19, 573:14, 583:18, Opposites [1] - 487:14 order [16] - 467:14, 467:16, 471:4, 471:10, 471:12, 505:5, 511:25, 518:12, 518:13, 535:15, 537:2, 557:17, 579:18, 581:11, 581:14, 659:17 ordered [2] - 552:11, 552:14 Pages [4] - 509:14, 514:15,</p>	

564:5, 581:13 paid [9] - 523:22, 524:2, 552:9, 621:19, 621:20, 621:24, 622:3, 622:24, 666:4 paired [1] - 644:7 panicked [1] - 510:15 pants [2] - 468:10, 468:11 parachute [11] - 483:15, 483:17, 483:19, 483:24, 484:15, 645:9, 645:11, 645:12, 645:16, 645:22, 647:7 Parachute [1] - 491:22 parachuters [1] - 488:3 parachuting [1] - 483:3 paragraph [18] - 488:19, 491:24, 492:3, 494:23, 500:9, 500:12, 500:15, 500:20, 500:23, 501:10, 501:18, 502:1, 504:3, 504:15, 504:17, 504:23, 505:5, 521:6 part [18] - 489:10, 489:12, 491:3, 491:6, 499:2, 504:8, 563:7, 563:10, 565:25, 569:6, 582:7, 582:17, 590:8, 611:19, 612:1, 615:3, 619:6, 664:11 particular [6] - 558:15, 578:5, 584:14, 611:8, 612:19, 661:3 parties [2] - 494:24, 495:1 passenger [24] - 478:13, 495:12, 499:10, 499:25, 500:23, 501:1, 501:10, 504:21, 505:4, 506:17, 506:20, 564:15, 577:12, 577:23, 579:1, 580:11, 637:6, 637:10, 643:22, 646:21, 646:22, 647:17, 647:19, 660:6 passenger's [5] - 505:25, 576:19, 637:6, 646:23, 647:19 passenger/student [1] - 484:19 passengers [18] - 468:5, 483:6, 483:9, 483:13, 486:23, 505:15, 561:4, 561:18, 562:10, 562:13, 562:16, 564:19, 567:18, 576:19, 594:18, 599:4, 639:7, 653:17 passengers's [1] - 637:22 past [1] - 566:16 patents [1] - 482:24 pathetic [2] - 514:6, 585:14 patient [2] - 515:24, 649:2 pause [2] - 495:24, 650:10 pay [13] - 482:11, 501:19, 552:7, 552:8, 621:10, 621:23, 622:3, 622:10, 622:19, 622:20, 623:9, 662:11, 662:20 paycheck [1] - 622:18 payday [2] - 621:20, 623:1 paying [1] - 482:8 payroll [5] - 621:16, 621:21, 622:15, 622:21, 623:6 people [39] - 472:16, 472:17, 472:21, 478:5, 483:18, 485:6,	486:10, 492:9, 494:1, 508:10, 515:9, 543:19, 543:22, 561:9, 563:17, 563:21, 568:18, 568:21, 569:1, 576:7, 576:17, 581:23, 582:2, 582:3, 584:2, 584:21, 588:8, 590:15, 592:5, 592:21, 592:22, 596:1, 598:8, 625:4, 625:6, 626:10, 637:15, 660:3 people's [1] - 616:11 per [1] - 661:18 perfect [9] - 483:24, 484:12, 484:15, 484:19, 484:24, 485:2, 485:3, 548:12, 610:14 period [2] - 613:6, 623:22 permitted [2] - 593:11, 593:12 permitting [1] - 472:9 person [33] - 468:22, 471:6, 486:11, 486:12, 492:21, 492:22, 494:17, 500:8, 521:25, 522:11, 523:4, 523:17, 533:2, 533:5, 562:22, 562:23, 563:13, 563:14, 565:8, 572:16, 572:24, 573:25, 574:1, 574:16, 574:21, 576:9, 586:8, 588:6, 612:19, 613:2, 630:25, 637:2 personal [25] - 512:9, 512:11, 512:20, 512:21, 512:23, 527:24, 528:2, 528:5, 538:16, 582:2, 582:7, 584:24, 585:2, 585:3, 585:4, 585:5, 585:9, 585:24, 597:10, 597:18, 640:8, 640:16, 644:13 personally [2] - 479:6, 651:18 pertaining [1] - 584:5 ph [1] - 467:9 phone [6] - 475:12, 475:17, 537:9, 551:1, 556:5, 615:4 physical [10] - 493:8, 493:14, 498:19, 499:11, 504:10, 520:5, 520:20, 521:12, 528:8, 563:10 physically [1] - 492:12 physician [1] - 487:19 pick [1] - 654:21 picked [2] - 552:5, 622:10 picture [10] - 511:11, 514:2, 534:11, 534:22, 535:2, 561:9, 567:1, 582:24, 584:23, 637:21 pictures [12] - 511:2, 567:22, 568:4, 568:8, 568:14, 569:2, 569:4, 569:22, 570:5, 570:7, 636:23 pin [2] - 472:19, 645:20 place [6] - 466:1, 540:7, 553:12, 565:22, 615:14, 644:2 placed [2] - 532:19, 561:19 placement [1] - 468:15 places [2] - 472:4, 576:13 placing [1] - 611:4 Plaintiff [18] - 465:4, 465:14, 478:24, 479:13, 491:13, 496:6,	preferably [1] - 501:1 preference [3] - 474:22, 539:3, 587:15 preferred [1] - 548:2 prejudice [1] - 559:3 prejudicial [1] - 554:20 prepared [2] - 514:15, 555:5 presence [2] - 541:1, 554:1 presentation [1] - 666:24 presented [2] - 468:8, 582:24 presenting [1] - 613:23 presently [1] - 519:9 pretrial [8] - 467:14, 467:16, 471:4, 471:10, 471:12, 471:17, 511:25, 522:4 pretty [2] - 527:7, 548:22 previous [1] - 618:2 previously [4] - 466:4, 543:16, 560:14, 600:19 prices [1] - 626:2 probative [5] - 558:16, 558:20, 559:2, 630:4, 630:19 problem [4] - 474:10, 489:18, 511:6, 590:15 procedure [1] - 474:2 proceed [2] - 476:9, 477:4 Proceedings [1] - 465:25 proceedings [2] - 495:24, 650:10 process [4] - 480:10, 480:17, 564:20, 573:7 produced [2] - 465:25, 495:19 professional [1] - 560:23 promptly [1] - 649:15 proper [5] - 486:23, 491:18, 511:13, 629:1, 629:4 provide [2] - 470:23, 570:9 provided [2] - 557:23, 558:19 proximity [8] - 504:9, 520:5, 520:20, 521:11, 528:8, 546:4, 563:19, 647:3 public [4] - 581:24, 581:25, 584:2, 629:8 pucker [1] - 526:2 pulls [1] - 645:19 purchased [1] - 496:22 purposes [1] - 554:5 pursing [2] - 638:9, 638:12 put [18] - 466:13, 468:12, 469:5, 472:24, 473:11, 473:16, 492:20, 499:11, 500:1, 512:13, 513:10, 521:11, 554:10, 566:23, 576:8, 576:22, 577:1, 577:7 puts [2] - 577:25, 625:16 putting [5] - 546:12, 563:8, 565:14, 620:9, 636:24	13
		Q	questioned [3] - 511:16,

532:20, 532:22 questioning [12] - 484:2, 548:18, 549:11, 549:14, 551:13, 558:2, 558:4, 558:6, 587:17, 598:16, 656:9, 659:8 questions [40] - 477:8, 479:15, 515:13, 516:9, 516:25, 526:20, 530:17, 534:19, 535:4, 538:24, 539:7, 539:13, 550:18, 554:8, 556:17, 558:25, 583:25, 584:11, 591:6, 594:8, 596:17, 598:1, 601:15, 604:19, 615:5, 618:3, 620:17, 629:12, 630:9, 631:13, 634:12, 639:17, 647:25, 657:2, 657:5, 658:16, 659:24, 665:3, 666:21 quicker [2] - 516:1, 624:20 quickly [2] - 515:6, 594:9 quite [1] - 627:20 quote [6] - 468:18, 481:23, 482:1, 497:10, 576:21, 660:24 quote-unquote [4] - 468:18, 497:10, 576:21, 660:24	488:18, 522:23, 546:6, 587:7, 593:18, 593:19, 597:13 ready [3] - 476:9, 518:1, 525:21 realize [2] - 537:1, 629:21 realized [2] - 532:8, 536:24 really [14] - 529:24, 546:20, 550:1, 552:12, 568:6, 576:4, 590:21, 615:21, 654:9, 655:19, 662:22, 662:23, 662:25, 666:1 reason [6] - 472:17, 472:24, 499:6, 560:24, 608:3, 666:9 reasonable [12] - 565:7, 573:1, 573:6, 612:17, 612:25, 657:15, 657:20, 657:25, 658:6, 658:10, 659:16, 659:20 reasonablebness [1] - 573:11 reasons [4] - 473:16, 515:22, 557:14, 664:17 reassure [2] - 535:24, 535:25 receive [2] - 532:17, 557:17 received [7] - 509:5, 520:24, 524:23, 557:18, 557:19, 586:1, 609:13 recent [2] - 480:16, 608:14 recently [2] - 468:9, 590:11 recess [5] - 513:5, 513:6, 559:10, 631:23, 631:24 recognize [13] - 478:25, 495:16, 497:2, 508:22, 508:25, 552:25, 553:1, 564:12, 570:18, 571:4, 626:23, 633:9, 633:12 recognized [1] - 495:15 recollect [1] - 653:18 recollection [8] - 511:5, 587:21, 588:13, 601:24, 604:25, 614:15, 616:18, 639:2 recommend [2] - 624:24, 624:25 recommended [2] - 624:2, 624:8 recommends [3] - 487:19, 488:3, 492:9 reconvene [2] - 557:2, 559:7 record [12] - 466:14, 472:24, 473:16, 474:9, 476:25, 489:17, 516:20, 518:22, 547:23, 564:9, 570:9, 650:17 recorded [2] - 465:25, 483:5 records [7] - 474:8, 512:3, 512:5, 594:18, 662:22, 662:25, 663:6 REDIRECT [2] - 548:16, 668:7 refer [7] - 522:21, 530:4, 530:20, 534:14, 538:15, 538:21, 616:11 reference [1] - 538:16 referencing [1] - 546:11 referred [5] - 497:13, 521:22, 641:13, 642:3, 642:4 referring [4] - 522:6, 575:12, 641:22, 642:1 reading [9] - 486:4, 486:24,	588:12 refreshes [1] - 639:1 refund [1] - 537:17 refunded [1] - 537:15 regard [4] - 469:3, 469:22, 472:2, 521:21 regarding [9] - 470:13, 473:19, 513:10, 558:2, 558:4, 558:12, 628:15, 659:25, 665:3 regardless [1] - 580:15 regular [2] - 556:10, 601:12 rehashing [1] - 503:9 related [2] - 545:16, 606:14 relates [1] - 618:3 relationship [6] - 512:16, 521:21, 522:1, 522:11, 523:18, 558:21 relax [2] - 636:15, 636:16 relay [4] - 542:22, 542:25, 543:4, 543:10 relayed [2] - 547:9, 547:10 release [32] - 478:14, 478:20, 480:8, 481:3, 481:8, 482:2, 486:2, 486:4, 486:7, 486:11, 486:15, 486:25, 487:3, 487:18, 488:15, 489:10, 489:12, 489:13, 489:25, 491:4, 491:5, 492:18, 492:20, 493:3, 494:23, 500:15, 501:2, 502:2, 506:3, 545:7, 563:14, 574:11 releases [2] - 501:10, 645:20 relevance [15] - 467:22, 467:23, 469:1, 469:10, 469:20, 469:24, 494:11, 502:5, 553:9, 573:15, 575:22, 586:5, 587:9, 598:16 relevant [4] - 470:1, 510:20, 512:17, 513:11 rely [3] - 532:8, 563:20, 574:13 remain [2] - 476:20, 650:12 remember [54] - 519:14, 520:23, 521:14, 522:4, 522:14, 526:7, 527:13, 527:16, 527:19, 527:23, 529:23, 529:24, 531:2, 531:3, 534:13, 537:7, 538:11, 538:15, 539:6, 549:7, 549:9, 549:13, 549:23, 550:1, 551:6, 551:20, 552:12, 561:6, 600:9, 600:12, 601:7, 601:8, 611:21, 612:15, 612:18, 613:15, 614:13, 615:6, 615:7, 616:14, 633:11, 633:16, 633:17, 633:24, 633:25, 634:2, 634:23, 637:14, 638:24, 651:11, 651:14, 652:22, 656:22 remembered [3] - 549:11, 614:9, 633:21 remembers [2] - 616:12, 616:13 remind [2] - 560:6, 611:12 remotely [1] - 481:5 replacement [2] - 466:18, 532:17	reporter [6] - 477:21, 477:23, 547:20, 547:24, 573:19, 624:20 Reporter [1] - 465:22 represent [1] - 564:14 representation [1] - 583:19 representative [2] - 474:5, 476:17 representing [1] - 476:16 reprimand [3] - 595:9, 624:3, 624:9 require [2] - 500:14, 644:4 reservation [2] - 588:8, 626:7 reside [1] - 519:7 respect [7] - 470:10, 471:2, 482:22, 558:4, 558:25, 628:19, 640:11 respond [3] - 471:25, 498:24, 633:6 response [4] - 526:9, 601:18, 602:1 responsible [2] - 481:12, 520:13 rest [3] - 487:25, 488:1, 488:18 result [1] - 481:9 resulted [2] - 604:5, 604:11 retraining [1] - 595:12 return [3] - 475:2, 476:17, 485:14 returned [1] - 516:3 reveal [2] - 599:4, 599:14 review [1] - 629:8 reviewed [4] - 470:11, 470:12, 470:24, 629:6 rich [9] - 497:13, 505:24, 516:24, 623:15, 623:17, 623:18, 623:20, 623:25, 624:1 Rich [6] - 624:2, 624:4, 637:21, 640:4, 640:19, 660:23 RICHARD [1] - 465:16 ride [1] - 507:10 rig [6] - 579:21, 579:22, 635:14, 635:21, 635:23 rights [5] - 480:3, 480:4, 480:9, 481:4, 486:18 rip [1] - 645:20 rise [1] - 515:9 risk [2] - 481:23, 483:14 risks [1] - 500:10 risky [1] - 485:19 Robing [1] - 629:17 room [4] - 470:18, 551:15, 598:10, 598:13 Room [1] - 629:17 Rosana [53] - 467:24, 468:15, 519:19, 520:4, 520:8, 521:16, 521:18, 521:21, 523:23, 525:24, 528:25, 529:4, 532:3, 532:17, 533:5, 533:9, 533:20, 534:6, 534:8, 534:11, 535:9, 535:14, 535:17, 535:23, 535:24, 536:3, 537:11, 538:4,
			14

<p>538:7, 538:10, 538:14, 539:10, 542:23, 543:24, 546:1, 546:15, 551:9, 551:11, 552:1, 552:14, 564:24, 565:25, 571:4, 571:6, 580:21, 613:7, 617:14, 638:1, 638:8, 642:17, 642:20, 643:25, 644:18 Rosana's [3] - 546:25, 570:18, 613:23 rubbing [1] - 565:15 rude [2] - 589:2, 652:24 rule [1] - 541:5 ruled [2] - 472:11, 587:9 rules [1] - 471:16 ruling [2] - 473:4, 514:12 rulings [1] - 557:8 rushed [1] - 598:9 rushing [1] - 598:13</p>	<p>612:5, 622:5, 623:20, 630:20, 630:21, 630:23, 631:9, 631:10, 631:11, 634:1 seconds [3] - 566:3, 644:25, 645:19 see [47] - 468:10, 469:9, 469:23, 476:1, 476:7, 476:15, 476:19, 479:6, 487:21, 497:25, 498:3, 498:10, 510:16, 512:17, 513:24, 514:16, 514:24, 526:21, 544:16, 544:22, 565:18, 565:19, 568:8, 570:12, 570:23, 572:2, 583:12, 588:12, 590:24, 596:21, 598:10, 598:13, 600:20, 601:5, 611:11, 611:17, 612:4, 612:6, 620:22, 631:3, 634:7, 635:4, 639:6, 647:4, 652:11, 652:14 seeing [11] - 630:22, 633:11, 633:16, 633:17, 633:21, 633:24, 633:25, 634:2, 645:25, 646:2, 652:22 seeking [1] - 472:13 seem [1] - 512:1 self [1] - 650:25 self-employed [1] - 650:25 send [2] - 607:5, 665:24 sense [2] - 488:19, 545:22 sent [12] - 475:2, 489:8, 509:5, 537:21, 555:9, 606:25, 607:16, 621:9, 665:23, 666:8, 666:15, 666:17 sentence [2] - 488:2, 542:6 separate [4] - 489:5, 489:11, 489:25, 510:5 separately [2] - 486:7, 489:19 September [1] - 628:7 series [1] - 514:10 serious [1] - 595:5 service [4] - 554:25, 592:5, 615:16, 622:21 SESSION [1] - 560:1 set [5] - 487:2, 487:3, 491:18, 516:23, 581:9 Seventh [1] - 465:15 several [5] - 466:13, 471:14, 480:12, 564:5, 614:8 severe [1] - 595:3 sex [9] - 538:3, 538:7, 538:10, 539:2, 539:4, 590:12, 591:13, 592:2 sexual [9] - 539:3, 595:24, 596:5, 599:4, 599:11, 599:15, 606:10, 654:24, 655:2 sexuality [3] - 597:7, 654:18, 655:18 sexually [1] - 659:12 share [1] - 585:21 shared [1] - 512:20 sharing [1] - 512:21 Shaw [14] - 467:8, 469:3,</p>	<p>469:11, 470:10, 471:1, 471:2, 471:9, 471:11, 472:9, 474:19, 572:14, 644:7, 644:10 sheet [4] - 554:14, 555:5, 555:7, 558:19 shit [1] - 637:16 shoe [1] - 499:22 shoot [1] - 632:17 shooter [1] - 472:7 shooting [1] - 649:3 short [2] - 556:25, 650:3 shortly [2] - 476:18, 476:19 shoulder [4] - 546:13, 566:7, 620:10, 637:22 show [20] - 484:5, 486:1, 500:22, 509:10, 510:7, 523:10, 543:14, 563:25, 569:2, 569:23, 570:1, 572:1, 572:5, 582:11, 587:20, 611:22, 622:4, 630:14, 633:8, 635:2 showed [6] - 466:13, 482:18, 565:12, 565:25, 631:4, 666:14 showing [2] - 488:8, 661:4 shown [4] - 480:12, 484:3, 488:15, 511:20 shows [7] - 468:2, 468:4, 511:10, 554:5, 566:14, 572:2, 584:24 side [9] - 540:5, 589:4, 589:5, 605:4, 637:11, 646:22, 647:5, 647:18 sidebar [16] - 467:5, 488:24, 489:1, 503:1, 509:18, 515:15, 540:7, 541:8, 553:12, 555:13, 558:10, 587:1, 603:1, 619:1, 649:1, 664:1 sidebars [1] - 510:23 sided [1] - 626:12 sides [1] - 593:10 sign [10] - 478:14, 489:13, 492:13, 493:3, 500:17, 521:3, 554:9, 555:8, 580:16, 580:18 signed [12] - 478:20, 488:15, 506:3, 520:8, 521:16, 545:7, 546:4, 553:2, 554:3, 554:15, 554:21, 555:8 signing [4] - 480:8, 481:3, 521:14, 521:19 signs [1] - 479:22 silence [3] - 514:17, 515:1, 515:3 similar [4] - 468:3, 468:4, 482:17, 482:18 simple [1] - 566:12 simply [6] - 492:25, 557:22, 563:20, 591:14, 592:12, 624:2 sister [1] - 598:24 sit [3] - 466:22, 531:8, 577:7 site [1] - 534:12 sitting [4] - 528:13, 647:2, 647:21, 647:22</p>	<p>situation [10] - 495:6, 495:9, 506:11, 506:19, 545:23, 561:19, 578:21, 647:6, 659:11, 661:6 six [1] - 608:15 size [5] - 499:19, 499:22, 499:24, 500:5, 500:7 sizes [1] - 577:14 skills [1] - 652:5 skimmed [1] - 522:24 skipped [1] - 602:3 sky [1] - 487:7 SKYDIVE [1] - 465:7 skydive [40] - 468:7, 473:8, 481:5, 481:9, 483:11, 485:24, 487:9, 487:15, 487:20, 492:9, 492:13, 492:20, 494:8, 495:8, 495:9, 498:15, 498:23, 499:2, 501:5, 505:6, 508:5, 514:14, 545:16, 561:18, 564:20, 572:24, 573:25, 579:19, 588:23, 604:15, 610:14, 612:19, 625:8, 625:15, 627:6, 651:10, 660:20, 661:15 Skydive [41] - 473:10, 479:2, 480:13, 481:3, 481:4, 485:6, 493:4, 494:4, 494:17, 495:18, 496:14, 496:22, 498:11, 501:10, 501:11, 501:15, 506:12, 511:4, 512:10, 513:8, 514:14, 514:21, 519:16, 519:25, 520:12, 536:9, 542:16, 549:19, 550:9, 552:5, 565:3, 581:6, 581:14, 581:18, 582:7, 583:16, 584:3, 627:6, 651:3, 655:1, 656:21 skydive-related [1] - 545:16 skydiver [7] - 580:14, 580:25, 596:21, 652:7, 652:9, 654:7, 662:12 skydivers [6] - 472:18, 478:5, 491:19, 494:7, 597:7, 661:18 skydiving [34] - 477:15, 477:18, 480:5, 480:20, 480:22, 481:23, 482:22, 482:24, 483:3, 491:16, 493:25, 494:2, 504:24, 519:16, 520:5, 520:14, 527:13, 532:8, 536:3, 548:1, 548:11, 548:19, 562:20, 568:17, 568:18, 568:21, 572:17, 573:7, 590:17, 607:22, 612:18, 652:5, 652:12, 652:19 slightly [1] - 548:1 slow [3] - 503:5, 515:12, 515:18 slowing [1] - 646:3 small [6] - 561:12, 561:13, 561:21, 562:5, 562:6, 577:6 smile [4] - 570:23, 571:14, 571:19, 572:2 smiling [1] - 571:8 smoothly [2] - 515:10, 515:11</p>
			15

so.. [2] - 629:25, 654:13 socialize [1] - 651:23 soda [1] - 514:3 solely [1] - 621:6 someone [29] - 497:8, 501:11, 501:14, 506:14, 506:24, 511:9, 511:11, 530:24, 535:11, 535:14, 544:9, 554:22, 562:19, 573:6, 573:8, 580:4, 588:23, 589:1, 595:20, 612:17, 613:15, 626:15, 631:6, 636:24, 640:23, 641:1, 641:2, 659:3 someplace [1] - 641:10 sometime [1] - 536:7 sometimes [5] - 499:14, 580:2, 580:3, 629:17, 660:2 somewhere [2] - 641:21, 666:7 soon [3] - 466:17, 607:22, 609:11 sorry [20] - 469:22, 471:11, 499:9, 516:21, 524:21, 527:1, 527:11, 538:5, 562:14, 596:15, 600:11, 605:21, 605:24, 608:18, 608:19, 628:1, 639:5, 655:11, 658:7, 664:18 sorts [1] - 583:17 sounds [4] - 522:6, 534:3, 535:25, 536:2 space [1] - 505:25 speaks [1] - 567:14 special [4] - 547:4, 547:11, 547:13, 576:21 specific [5] - 492:14, 549:5, 549:7, 549:9, 549:10 specifically [6] - 472:15, 494:23, 504:10, 521:12, 611:23, 656:18 specify [1] - 662:17 speculate [1] - 662:15 spell [3] - 476:24, 518:21, 650:16 spoken [3] - 550:25, 556:3, 622:1 sport [3] - 480:20, 563:7, 563:10 spring [1] - 550:23 stabilizing [1] - 645:18 staff [2] - 581:17, 606:18 stand [5] - 491:21, 533:7, 637:3, 650:12, 657:8 standards [1] - 491:18 standing [2] - 476:20, 650:12 stands [2] - 533:2, 632:6 stars [1] - 633:13 start [6] - 468:20, 475:17, 475:19, 601:1, 619:2, 649:14 started [3] - 546:22, 596:25, 611:6 starting [2] - 470:19, 628:13 state [4] - 476:24, 520:16, 558:6, 650:16 statement [8] - 515:15, 554:17,	565:9, 568:11, 580:5, 593:6, 594:12, 658:20 statements [2] - 551:2, 551:3 States [2] - 491:17, 491:22 STATES [2] - 465:1, 465:11 stay [1] - 656:12 steak [2] - 552:11, 552:13 steakhouse [1] - 552:3 stenography [1] - 465:25 step [4] - 516:19, 556:20, 650:6, 657:6 stick [1] - 594:8 still [13] - 475:17, 519:21, 530:1, 538:19, 539:18, 545:7, 546:9, 560:6, 607:7, 624:8, 631:25, 657:10, 666:23 stipulate [1] - 503:4 stop [1] - 475:23 stopped [6] - 496:25, 497:6, 497:19, 497:24, 498:9, 664:3 story [4] - 537:13, 538:13, 589:4, 589:5 straight [2] - 472:6, 504:21 strap [4] - 505:15, 510:25, 511:9, 561:5 strapped [33] - 499:9, 499:10, 499:13, 499:14, 499:18, 500:4, 506:7, 506:8, 511:11, 528:25, 529:6, 529:17, 530:8, 530:24, 531:3, 531:11, 544:10, 562:11, 562:13, 562:16, 563:13, 579:9, 579:15, 638:20, 639:13, 646:20, 647:17, 657:17, 657:22, 658:12, 659:5, 660:12 strapping [1] - 575:24 straps [14] - 499:17, 507:20, 574:1, 575:19, 580:13, 581:1, 642:22, 643:5, 643:12, 643:15, 643:18, 643:21, 646:4, 646:7 Street [1] - 465:17 stretch [1] - 645:22 stretched [1] - 468:10 struck [1] - 597:13 student [14] - 484:25, 485:3, 487:19, 491:19, 504:4, 506:3, 507:3, 521:7, 575:18, 577:1, 578:3, 652:15, 652:16, 654:1 students [18] - 480:17, 483:17, 483:22, 483:23, 485:23, 500:14, 575:20, 576:8, 576:25, 578:1, 652:12, 652:19, 652:23, 653:2, 653:15, 653:20, 653:21, 660:20 stuff [4] - 620:13, 625:10, 625:11, 666:2 subject [3] - 483:19, 510:4, 559:1 submitted [2] - 510:18, 554:21 subpoena [4] - 554:12, 554:16, 555:3, 558:13 substance [2] - 484:9, 526:6	substantially [1] - 559:3 substituting [1] - 466:21 success [1] - 560:25 sue [8] - 481:4, 482:2, 482:5, 482:11, 501:15, 501:19, 508:11, 545:4 suffered [1] - 601:6 sufficiently [1] - 558:20 Suffolk [1] - 519:8 suggested [1] - 659:21 suggestion [1] - 468:17 suit [3] - 501:20, 575:11, 656:25 Suite [4] - 465:15, 465:17, 465:19, 465:23 sum [1] - 526:6 summation [1] - 634:12 summations [1] - 666:25 summer [4] - 485:7, 550:23, 662:12, 662:21 sums [1] - 548:10 Sunday [4] - 536:20, 609:25, 621:18, 622:8 surrounding [3] - 514:25, 544:20, 558:23 suspend [1] - 640:21 suspended [4] - 621:10, 622:16, 622:17, 622:19 suspension [3] - 595:6, 595:10, 605:7, 612:9 sustain [2] - 579:12, 659:7 Sustained [1] - 563:6 sustained [44] - 493:6, 494:11, 496:18, 501:22, 505:2, 505:12, 508:7, 508:13, 508:14, 549:17, 567:8, 568:10, 571:17, 571:22, 573:4, 580:23, 582:9, 583:21, 584:8, 594:11, 594:21, 597:14, 597:21, 598:17, 599:8, 605:7, 608:10, 608:25, 610:3, 610:9, 610:10, 613:20, 614:1, 616:9, 616:24, 626:20, 638:4, 640:2, 641:7, 644:22, 659:1, 659:7, 659:14, 659:24 sustaining [1] - 555:10 sworn [6] - 476:22, 518:19, 560:15, 591:10, 594:4, 650:14 systems [1] - 483:18	504:6, 504:7, 504:9, 504:11, 504:24, 521:9, 521:10, 521:11, 521:13, 560:21, 561:18, 572:24, 575:10, 577:8, 577:10, 577:11, 577:15, 579:2, 579:3, 581:23, 596:20, 609:16, 644:1, 647:8, 660:6, 662:12 tape [16] - 496:24, 496:25, 497:5, 497:6, 497:18, 497:19, 497:23, 497:24, 498:8, 498:9, 600:7, 600:8, 641:13, 641:23, 642:4, 642:16, 642:21, 642:23, 642:24, 642:25, 642:26, 642:27, 642:28, 642:29, 642:30, 642:31, 642:32, 642:33, 642:34, 642:35, 642:36, 642:37, 642:38, 642:39, 642:40, 642:41, 642:42, 642:43, 642:44, 642:45, 642:46, 642:47, 642:48, 642:49, 642:50, 642:51, 642:52, 642:53, 642:54, 642:55, 642:56, 642:57, 642:58, 642:59, 642:60, 642:61, 642:62, 642:63, 642:64, 642:65, 642:66, 642:67, 642:68, 642:69, 642:70, 642:71, 642:72, 642:73, 642:74, 642:75, 642:76, 642:77, 642:78, 642:79, 642:80, 642:81, 642:82, 642:83, 642:84, 642:85, 642:86, 642:87, 642:88, 642:89, 642:90, 642:91, 642:92, 642:93, 642:94, 642:95, 642:96, 642:97, 642:98, 642:99, 642:100, 642:101, 642:102, 642:103, 642:104, 642:105, 642:106, 642:107, 642:108, 642:109, 642:110, 642:111, 642:112, 642:113, 642:114, 642:115, 642:116, 642:117, 642:118, 642:119, 642:120, 642:121, 642:122, 642:123, 642:124, 642:125, 642:126, 642:127, 642:128, 642:129, 642:130, 642:131, 642:132, 642:133, 642:134, 642:135, 642:136, 642:137, 642:138, 642:139, 642:140, 642:141, 642:142, 642:143, 642:144, 642:145, 642:146, 642:147, 642:148, 642:149, 642:150, 642:151, 642:152, 642:153, 642:154, 642:15
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>494:11, 494:21, 496:2, 496:4, 496:18, 501:22, 502:4, 502:6, 503:5, 503:9, 505:2, 505:8, 505:12, 508:7, 508:13, 509:10, 509:20, 509:24, 510:6, 510:9, 510:21, 511:8, 511:12, 511:19, 512:4, 512:22, 512:25, 513:2, 513:7, 513:20, 513:23, 514:2, 514:5, 514:9, 514:23, 515:4, 515:17, 516:4, 516:11, 516:16, 516:19, 517:1, 517:3, 517:6, 518:1, 518:8, 518:11, 518:17, 518:21, 518:23, 518:24, 523:10, 523:16, 524:10, 524:13, 524:18, 524:22, 529:8, 529:12, 529:22, 539:15, 540:2, 540:5, 541:3, 541:5, 543:8, 543:18, 547:6, 547:9, 547:10, 547:19, 547:22, 548:5, 548:15, 549:17, 552:23, 553:10, 554:24, 555:4, 555:10, 556:18, 556:20, 557:1, 557:7, 560:4, 560:8, 560:11, 562:2, 563:6, 564:1, 564:8, 567:8, 567:14, 568:10, 569:11, 570:3, 570:8, 570:13, 571:17, 571:22, 572:21, 573:4, 573:10, 573:18, 574:19, 574:24, 575:1, 575:9, 575:23, 577:18, 578:15, 579:12, 580:23, 581:3, 582:9, 582:12, 582:15, 582:19, 582:21, 583:21, 584:8, 584:18, 586:4, 586:6, 586:10, 587:5, 587:11, 587:17, 588:10, 589:22, 589:24, 590:2, 591:17, 591:20, 592:18, 593:10, 594:11, 594:21, 596:10, 596:14, 597:14, 597:21, 598:2, 598:17, 599:8, 600:23, 601:22, 602:4, 602:8, 603:2, 605:7, 605:15, 606:7, 608:10, 608:25, 609:5, 609:8, 610:3, 610:9, 610:11, 610:17, 610:21, 611:2, 611:14, 611:19, 612:1, 612:22, 612:24, 613:10, 613:20, 614:1, 614:20, 616:9, 616:24, 617:6, 617:10, 617:21, 618:5, 619:4, 619:6, 619:12, 621:14, 624:12, 624:15, 624:19, 626:20, 627:13, 627:16, 627:19, 627:23, 627:25, 628:2, 628:12, 629:3, 629:9, 629:14, 629:20, 629:24, 630:3, 630:10, 630:23, 631:2, 631:13, 631:17, 631:20, 631:25, 632:7, 632:17, 632:22, 632:24, 633:21, 634:7, 634:14, 636:20, 638:4, 639:3, 640:2, 641:7, 641:16, 644:22, 648:5, 649:11, 649:15, 650:2, 650:11, 650:16, 650:18, 650:19, 651:16, 652:21, 653:4, 655:5, 655:10, 655:11, 655:12,</p>	<p>655:14, 655:25, 656:10, 657:3, 657:6, 657:11, 659:1, 659:7, 659:14, 659:24, 661:12, 662:14, 662:17, 663:9, 664:10, 664:13, 664:15, 664:18, 665:2, 665:10, 666:22, 667:6, 667:17</p> <p>therefore [5] - 484:24, 506:23, 557:15, 558:3, 657:25</p> <p>thereto [1] - 606:14</p> <p>thigh [1] - 543:1</p> <p>thinking [1] - 665:4</p> <p>thinks [2] - 511:15, 629:5</p> <p>third [4] - 466:15, 530:10, 554:15, 615:12</p> <p>thousands [1] - 485:6</p> <p>three [12] - 467:5, 473:1, 550:4, 550:5, 550:8, 558:3, 609:19, 610:5, 612:18, 612:20, 613:5, 613:17</p> <p>thrill [1] - 494:14</p> <p>thrilled [1] - 531:25</p> <p>throughout [2] - 472:3, 543:1</p> <p>throwing [1] - 645:16</p> <p>thumbs [2] - 525:17, 525:20</p> <p>tight [6] - 499:9, 499:10, 499:13, 499:14, 499:18</p> <p>timing [2] - 512:21, 513:12</p> <p>tips [1] - 662:9</p> <p>today [17] - 468:22, 469:4, 469:16, 470:23, 473:6, 495:11, 519:21, 531:8, 550:7, 555:1, 556:2, 616:6, 617:12, 632:3, 632:5, 649:6</p> <p>toe [7] - 467:9, 468:6, 468:9, 468:16, 469:23, 473:12, 473:14</p> <p>together [5] - 486:10, 603:2, 651:22, 652:16, 652:17</p> <p>tomorrow [6] - 632:1, 649:14, 650:4, 666:22, 666:25, 667:5</p> <p>took [13] - 466:1, 535:2, 537:9, 540:6, 553:11, 558:2, 565:22, 613:7, 621:9, 622:20, 639:4, 640:13, 657:23</p> <p>top [2] - 491:4, 601:2</p> <p>topic [2] - 508:15, 508:16</p> <p>topics [1] - 632:9</p> <p>tops [2] - 550:5, 550:8</p> <p>total [1] - 466:14</p> <p>totally [1] - 566:9</p> <p>touch [3] - 546:8, 644:4</p> <p>touched [12] - 504:13, 520:17, 532:2, 534:9, 546:3, 557:21, 562:19, 562:24, 563:1, 563:2, 580:21, 617:14</p> <p>touching [12] - 528:10, 532:14, 533:10, 534:5, 535:8, 546:11, 563:7, 563:8, 580:13, 580:19, 614:22, 620:9</p> <p>towards [3] - 567:11, 571:2</p> <p>trade [1] - 653:16</p> <p>trained [1] - 595:18</p>	<p>training [1] - 595:13</p> <p>TRANSCRIPT [1] - 465:10</p> <p>Transcript [1] - 465:25</p> <p>transcript [2] - 523:9, 523:12</p> <p>transient [1] - 472:18</p> <p>treated [4] - 492:1, 655:1, 655:13, 655:14</p> <p>treating [1] - 592:22</p> <p>TRIAL [1] - 465:10</p> <p>trial [7] - 471:18, 471:19, 495:20, 511:22, 529:11, 570:11, 667:9</p> <p>triangle [1] - 658:23</p> <p>trip [1] - 667:3</p> <p>true [65] - 467:17, 477:16, 477:19, 477:25, 478:15, 478:16, 480:14, 481:24, 481:25, 482:25, 483:1, 484:21, 485:16, 493:1, 493:2, 493:9, 494:15, 494:16, 504:20, 512:17, 520:8, 520:17, 520:21, 520:22, 521:24, 523:20, 524:3, 525:10, 525:18, 527:5, 529:18, 531:15, 531:21, 532:9, 533:13, 533:16, 534:12, 535:9, 535:19, 536:10, 536:16, 536:25, 537:8, 537:11, 537:19, 538:4, 538:7, 539:11, 548:24, 549:15, 550:10, 551:9, 551:19, 552:17, 584:16, 589:7, 595:25, 596:7, 597:3, 597:4, 597:6, 633:3, 646:18, 647:16</p> <p>trusted [2] - 643:17, 643:20</p> <p>trusts [1] - 523:3</p> <p>truth [5] - 557:20, 589:9, 594:5, 626:25, 636:11</p> <p>truthfully [1] - 522:19</p> <p>try [1] - 495:5, 498:20, 510:12, 515:5, 515:25, 585:15, 632:17, 636:12, 636:14, 649:12</p> <p>trying [15] - 511:6, 515</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>622:10, 626:22, 632:6, 636:12, 642:11, 642:14, 645:9, 645:11, 645:12, 645:20, 645:23, 646:3, 646:15, 647:22, 650:11, 655:17, 659:5, 660:2, 660:5 upset [3] - 515:9, 592:23, 625:8 US [1] - 465:5 ushering [1] - 470:16 USPA [5] - 487:18, 488:3, 491:15, 491:21, 492:9 utilizing [2] - 605:19, 606:1</p>	<p>videotaping [1] - 565:14 view [1] - 470:1 viewed [1] - 545:21 viewing [1] - 611:16 vividly [1] - 548:22 voluntarily [1] - 567:6 vs [1] - 466:2</p>	<p>WELL [1] - 662:4 whatnot [1] - 512:3 whatsoever [6] - 471:23, 498:11, 558:16, 594:2, 616:19, 626:25 whereas [1] - 468:15 whispering [2] - 543:5, 566:7 whole [4] - 471:15, 489:21, 537:13, 566:9 wife [7] - 512:16, 513:10, 513:25, 514:7, 539:23, 542:3, 583:3 William [3] - 467:2, 467:3, 476:17 willing [1] - 469:2 win [1] - 482:6 wind [1] - 543:25 wing [1] - 656:25 Winstock [8] - 497:13, 505:24, 623:18, 623:20, 637:21, 640:5, 640:19, 660:23 wished [1] - 548:8 withdraw [1] - 500:13 withdrawn [5] - 562:22, 597:23, 613:1, 643:19, 643:25 witness [41] - 466:8, 466:10, 466:11, 466:13, 470:16, 471:6, 476:11, 476:22, 518:2, 518:12, 518:13, 521:1, 529:9, 529:12, 552:21, 554:7, 554:11, 556:22, 560:14, 569:23, 591:19, 593:11, 594:13, 616:12, 616:13, 616:14, 626:22, 649:5, 649:6, 649:12, 650:2, 650:3, 650:4, 650:12, 650:14, 664:5, 664:6, 664:7, 664:8, 664:11 WITNESS [10] - 477:1, 518:23, 523:16, 547:10, 560:8, 609:8, 650:18, 655:11, 655:14, 657:11 witness' [1] - 616:15 witness's [1] - 584:11 witnesses [4] - 470:11, 471:17, 471:21, 632:3 woman [5] - 468:9, 537:9, 590:20, 598:5, 658:24 women [7] - 504:17, 579:15, 590:9, 590:11, 591:2, 591:23, 625:8 word [5] - 481:16, 531:20, 592:6, 605:23, 641:11 words [4] - 522:12, 526:11, 526:23, 591:24 workers [2] - 508:20, 654:20 workers' [3] - 664:5, 664:8, 664:12 Workers' [9] - 605:3, 605:8, 605:12, 605:19, 606:1, 606:5, 606:9, 606:14, 606:24 workman's [1] - 665:4 workplace [1] - 595:21 works [1] - 623:6</p>	<p>world [2] - 584:6, 584:13 worried [1] - 646:11 worry [5] - 535:19, 610:24, 611:7, 615:13, 659:12 wrap [1] - 484:10 write [1] - 472:12 written [3] - 624:3, 624:8, 629:16 wrote [4] - 622:23, 623:10, 665:20, 666:11</p>
<p>V</p> <p>vagina [1] - 468:11 vaguely [1] - 551:7 valid [2] - 592:11, 592:12 value [4] - 558:16, 559:2, 630:4, 630:19 various [1] - 594:24 verge [1] - 590:21 verified [1] - 610:18 versus [1] - 513:13 video [109] - 467:9, 467:24, 468:2, 468:4, 468:6, 468:16, 468:19, 468:21, 469:6, 469:12, 469:18, 469:22, 469:23, 470:7, 470:23, 473:14, 473:21, 474:3, 474:8, 474:11, 480:9, 480:16, 480:19, 481:2, 481:22, 482:1, 482:14, 482:17, 482:18, 483:5, 483:13, 483:22, 483:23, 484:2, 484:4, 484:5, 484:8, 486:1, 486:5, 486:8, 486:15, 486:24, 487:4, 495:11, 495:15, 495:16, 495:18, 496:14, 497:14, 498:10, 498:12, 506:4, 516:24, 517:1, 518:3, 518:5, 518:7, 520:1, 520:4, 524:20, 524:25, 525:2, 525:7, 525:10, 525:25, 526:5, 543:14, 543:15, 543:16, 543:20, 543:22, 544:7, 563:21, 565:3, 565:4, 565:7, 566:3, 566:6, 566:14, 566:15, 566:18, 566:20, 567:1, 567:14, 567:15, 567:18, 567:23, 574:10, 574:15, 574:17, 575:7, 589:13, 598:10, 598:12, 600:20, 601:5, 610:18, 611:11, 611:22, 634:23, 636:6, 637:14, 638:6, 660:24, 661:1, 661:3, 661:7 videographer [4] - 525:18, 566:25, 625:25, 646:1 videos [13] - 466:13, 467:5, 467:10, 467:13, 467:22, 470:11, 470:14, 471:1, 473:4, 473:24, 474:15, 480:12, 496:21 videotape [10] - 524:5, 598:5, 611:17, 611:18, 612:4, 612:6, 615:19, 615:20, 645:25, 646:2 videotaped [1] - 524:3</p>	<p>wait [7] - 470:25, 474:23, 583:8, 588:6, 588:23, 626:2, 626:6 waited [2] - 536:22, 558:3 waiting [4] - 472:25, 476:8, 515:24, 626:1 waive [2] - 469:2, 469:10 waiver [14] - 479:1, 479:2, 479:22, 479:24, 500:9, 503:10, 503:12, 563:22, 574:15, 574:22, 575:1, 575:6, 580:16, 580:18 wardrobe [1] - 470:1 warmer [2] - 662:3, 662:7 watch [3] - 486:5, 563:21, 574:16 watched [3] - 506:4, 520:1, 615:20 watches [1] - 480:9 watching [2] - 486:8, 486:24 WAYNE [2] - 650:13, 668:10 Wayne [3] - 472:9, 650:9, 650:18 ways [1] - 568:24 wearing [2] - 504:5, 521:8 weather [1] - 626:8 website [15] - 468:7, 468:12, 473:8, 473:11, 473:13, 473:18, 473:20, 512:22, 513:7, 608:3, 629:5, 629:7, 629:8, 629:10, 631:11 Wednesday [2] - 585:19, 666:25 week [19] - 466:19, 478:18, 497:13, 505:24, 515:11, 516:10, 518:12, 536:4, 621:10, 621:17, 621:21, 622:9, 622:17, 622:21, 641:13, 642:5, 644:18, 661:23, 662:1 weekdays [1] - 613:12 weekend [7] - 469:14, 476:8, 536:7, 536:13, 546:23, 609:21, 613:18 weekend's [1] - 510:4 weekends [1] - 613:11 weeks [4] - 590:8, 590:20, 608:15, 614:8 weight [5] - 513:15, 514:23, 586:8, 588:20, 593:15 welcome [1] - 486:21</p>	<p>WELL [1] - 662:4 whatnot [1] - 512:3 whatsoever [6] - 471:23, 498:11, 558:16, 594:2, 616:19, 626:25 whereas [1] - 468:15 whispering [2] - 543:5, 566:7 whole [4] - 471:15, 489:21, 537:13, 566:9 wife [7] - 512:16, 513:10, 513:25, 514:7, 539:23, 542:3, 583:3 William [3] - 467:2, 467:3, 476:17 willing [1] - 469:2 win [1] - 482:6 wind [1] - 543:25 wing [1] - 656:25 Winstock [8] - 497:13, 505:24, 623:18, 623:20, 637:21, 640:5, 640:19, 660:23 wished [1] - 548:8 withdraw [1] - 500:13 withdrawn [5] - 562:22, 597:23, 613:1, 643:19, 643:25 witness [41] - 466:8, 466:10, 466:11, 466:13, 470:16, 471:6, 476:11, 476:22, 518:2, 518:12, 518:13, 521:1, 529:9, 529:12, 552:21, 554:7, 554:11, 556:22, 560:14, 569:23, 591:19, 593:11, 594:13, 616:12, 616:13, 616:14, 626:22, 649:5, 649:6, 649:12, 650:2, 650:3, 650:4, 650:12, 650:14, 664:5, 664:6, 664:7, 664:8, 664:11 WITNESS [10] - 477:1, 518:23, 523:16, 547:10, 560:8, 609:8, 650:18, 655:11, 655:14, 657:11 witness' [1] - 616:15 witness's [1] - 584:11 witnesses [4] - 470:11, 471:17, 471:21, 632:3 woman [5] - 468:9, 537:9, 590:20, 598:5, 658:24 women [7] - 504:17, 579:15, 590:9, 590:11, 591:2, 591:23, 625:8 word [5] - 481:16, 531:20, 592:6, 605:23, 641:11 words [4] - 522:12, 526:11, 526:23, 591:24 workers [2] - 508:20, 654:20 workers' [3] - 664:5, 664:8, 664:12 Workers' [9] - 605:3, 605:8, 605:12, 605:19, 606:1, 606:5, 606:9, 606:14, 606:24 workman's [1] - 665:4 workplace [1] - 595:21 works [1] - 623:6</p>	<p>year [4] - 468:8, 508:5, 661:22, 666:3 years [10] - 477:15, 480:13, 514:22, 531:17, 548:19, 552:13, 598:7, 651:8, 651:9 Yelp [10] - 629:8, 629:21, 631:7, 631:12, 633:2, 633:5, 633:10, 633:12, 634:1 YORK [1] - 465:1 York [8] - 465:15, 465:17, 465:20, 465:23, 471:14, 627:21 yourself [7] - 518:6, 521:22, 521:25, 522:10, 533:2, 582:25, 590:16</p>
			<p>Z</p> <p>Zabell [27] - 470:9, 471:25, 473:9, 477:3, 509:24, 515:19, 549:11, 549:14, 550:6, 550:21, 551:6, 551:8, 551:13, 551:17, 551:23, 554:12, 554:15, 554:16, 555:9, 556:4, 556:18, 558:12, 558:21, 632:19, 650:2, 650:7, 650:19 ZABELL [216] - 465:19, 465:20, 467:1, 467:12, 468:20, 470:4, 470:15, 470:21, 472:1, 474:4, 474:10, 474:18, 475:1, 475:6, 475:13, 475:16, 475:22, 479:11, 484:1, 488:6, 488:17, 488:21, 489:4, 489:11, 489:18, 490:1, 491:10, 493:5, 493:10, 493:18, 494:10, 494:20, 495:22, 496:3, 496:17, 501:21, 502:3, 502:5, 503:2, 505:1, 505:7, 505:11, 508:6, 508:12, 509:7, 509:11, 509:14, 509:17, 509:25, 510:14, 511:13, 512:13, 514:12, 515:2, 516:2, 516:18, 516:21, 523:8, 524:12, 524:17, 524:19, 529:7, 529:9, 529:21, 539:17, 541:2, 541:4, 541:7, 547:7, 547:20, 548:13, 549:16, 553:8, 554:20, 556:19, 559:8, 561:24, 562:12, 563:5, 564:3, 564:7, 567:5, 567:7, 567:13, 568:9, 569:7, 569:10,</p>

569:17, 569:20, 570:4, 571:16, 571:21, 572:19, 573:3, 573:9, 573:14, 574:6, 574:18, 574:23, 575:8, 575:21, 578:14, 579:11, 580:22, 581:2, 582:8, 583:18, 584:7, 584:17, 586:3, 586:5, 586:9, 587:6, 587:15, 587:19, 589:21, 589:23, 591:16, 591:18, 592:14, 592:17, 593:5, 594:10, 594:20, 596:9, 597:12, 597:20, 598:15, 599:6, 600:17, 601:3, 601:17, 601:25, 602:6, 603:4, 605:6, 605:14, 606:6, 607:13, 608:9, 608:24, 609:4, 610:2, 610:8, 610:16, 610:20, 611:1, 611:13, 611:15, 611:25, 612:11, 612:21, 613:9, 613:19, 613:25, 614:19, 616:8, 616:23, 617:4, 617:18, 618:1, 619:9, 621:13, 624:10, 626:19, 627:7, 627:9, 627:12, 627:21, 627:24, 628:1, 628:4, 628:11, 628:25, 629:7, 629:12, 629:15, 630:1, 630:21, 631:12, 631:22, 632:2, 634:9, 635:11, 635:16, 636:19, 638:2, 640:1, 641:6, 641:15, 644:21, 648:4, 649:2, 649:17, 650:8, 650:21, 651:17, 653:6, 655:6, 655:9, 655:16, 656:2, 656:11, 657:2, 658:25, 659:6, 659:13, 659:19, 659:23, 661:11, 662:13, 662:15, 665:8, 667:7, 668:6, 668:11 Zabell's [5] - 474:22, 474:23, 554:5, 554:6, 555:6 ZARDA [1] - 465:3 Zarda [68] - 466:2, 466:19, 467:8, 469:17, 472:7, 473:20, 473:21, 474:1, 476:15, 497:4, 507:23, 510:19, 512:20, 529:2, 529:4, 529:18, 529:20, 532:2, 532:13, 533:9, 533:12, 534:5, 534:8, 534:12, 535:8, 535:18, 535:24, 538:3, 538:6, 538:9, 539:10, 542:13, 542:23, 542:25, 543:4, 543:10, 543:23, 572:11, 572:13, 595:7, 609:6, 617:2, 617:3, 617:13, 621:9, 651:12, 651:14, 651:19, 651:23, 652:7, 652:11, 652:18, 653:1, 653:16, 654:3, 654:8, 654:14, 654:17, 654:21, 655:7, 655:17, 655:21, 656:3, 656:12, 656:15, 656:24, 662:19 Zarda's [7] - 472:4, 472:5, 510:2, 534:22, 545:25, 652:5, 659:25 Zealand [3] - 527:22, 644:10, 644:13 zero [1] - 630:19 Zone [11] - 474:1, 478:13, 479:19, 485:11, 487:1, 528:7	528:20, 561:3, 579:14, 594:25, 606:18 zone [1] - 622:16
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------